

In the Matter Of:

IN RE JASON VAN DYKE

JASON VAN DYKE

April 07, 2016

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04/07/2016

**VAN DYKE JASON
IN RE JASON VAN DYKE**

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CITY OF CHICAGO

OFFICE OF INSPECTOR GENERAL

-INTERVIEW OF JASON VAN DYKE-

April 7, 2016

TRANSCRIPT OF INTERVIEW of JASON VAN DYKE,
taken before MICHELLE M. YOHLER, a Notary Public
within and for the County of Cook, State of
Illinois, and a Certified Shorthand Reporter of
said state, CSR No. 84-4531, at Suite 800,
300 West Adams Street, Chicago, Illinois, on the
7th day of April, 2016 at 10:14 a.m.

1 APPEARANCES:

2

3

OFFICE OF INSPECTOR GENERAL
CITY OF CHICAGO

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Appeared on behalf of

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Officer Jason Van Dyke.

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REPORTED BY:
MICHELLE M. PAOLETTI YOHLER, CSR, RPR, CRR
Illinois CSR No. 84-4531.

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1 MS. ANSARI: As a preliminary matter, I am
2 providing the following information. An
3 independent certified court reporter is present
4 today to provide a verbatim transcript of this
5 interview.

6 To aid in the accuracy of the
7 transcript, it is the custom and practice of
8 court reporters to audio record the interview.
9 The recording is the confidential work product
10 property of the court reporter and will not be
11 provided to any party including the Office of
12 Inspector General. If you request, the audio
13 recording will be discontinued.

14 So, Officer Van Dyke, are you okay
15 with the recording?

16 MR. HERBERT: You know what, actually I'd
17 ask -- and I've never done this before, but I
18 would ask that it not be recorded in this case.

19 MS. ANSARI: Okay. For the record, we'll
20 be returning off the recording.

21 Let the record reflect that today's
22 date is April 7, 2016. The time is 10:15 a.m.
23 We are located at Amicus Court Reporters,
24 300 West Adams, Suite 800.

1 My name is Sarah Ansari, the court
2 reporter is Michelle Yohler, and I'd ask that
3 the other individuals present identify
4 themselves and spell their name for the record.

5 MR. BROWN: Kristopher Brown, B-r-o-w-n,
6 City of Chicago, Office of Inspector General.

7 MR. HERBERT: Good morning, my name is Dan
8 Herbert, H-e-r-b-e-r-t, on behalf of Jason
9 Van Dyke.

10 Address yourself.

11 OFFICER VAN DYKE: Jason Van Dyke,
12 V-a-n D-y-k-e.

13 MS. ANSARI: There are no other individuals
14 present.

15 We are here today pursuant to an
16 investigation being conducted under Chapter 2-56
17 of the Municipal Code of the City of Chicago.
18 We are here for an interview of Officer Jason
19 Van Dyke.

20 Officer Van Dyke, would you please
21 raise your right hand, and the court reporter
22 will swear you in.

23 (WHEREUPON, the witness was duly sworn.)

24 MS. ANSARI: Officer Van Dyke, I am now

1 going to hand you a form that is marked
2 Advisement of Rights. This has already been
3 filled in with your name, my name, and
4 Investigator Brown's name.

5 I'm going to ask you to read along
6 with me as I go through it and then I will ask
7 you after each paragraph to acknowledge you have
8 read and understand that paragraph.

9 MR. HERBERT: At this point, if I can, just
10 before you go forward, it's our understanding
11 that Jason will not be provided criminal rights
12 in this case, which -- which I guess we will
13 find out for sure when the commander calls here.
14 But at this point, we will invoke our right to a
15 Fifth Amendment.

16 So he's going to answer in the Fifth
17 Amendment on every question, which is required
18 by law, otherwise he may waive some of his Fifth
19 Amendment rights so...

20 MS. ANSARI: The OIG's position is the
21 outcome of this administrative investigation
22 relates to the subject's employment and,
23 therefore, under the CBA and the General Order,
24 the Administrative Rights the Office of

1 Inspector General is going to provide -- will
2 provide Officer Van Dyke are appropriate.

3 Officer Van Dyke, before we go ahead
4 with the Advisement of Rights, it is your
5 position that you will answer the Fifth
6 Amendment to any questions that we ask you?

7 MR. HERBERT: Well, we have to be asked the
8 questions. And I think we can probably just do
9 this now: I mean, it's our understanding that
10 my client is not going to be given his criminal
11 rights today; is that correct?

12 MS. ANSARI: That is correct, yes.

13 MR. HERBERT: So then for those reasons,
14 I'll just put the objections on the record to
15 this investigation. And, first -- and this has
16 already been addressed in a grievance which has
17 been filed, we believe that this investigation
18 and the requirement that my client provide a
19 statement violates the collective bargaining
20 agreement between the parties, specifically
21 Section 6.1, Paragraph I, wherein the parties
22 have agreed that in a situation in which
23 criminal prosecution is probable against an
24 officer, the officer will be given his

1 Constitutional rights concerning
2 self-incrimination prior to the commencement of
3 the interrogation.

4 In this case, there is no clearer
5 example that criminal prosecution is probable in
6 light of the fact that it is -- he has already
7 been charged with first degree murder in this
8 case. So clearly this applies to that section
9 of the contract, and it is clear that he is not
10 being given his self-incrimination rights --
11 warnings, I should say.

12 And, second of all, in this case, the
13 criminal case, which I will mark as an exhibit
14 probably -- we can do Respondent's
15 Exhibit A -- the criminal case is 15-CR-20622.
16 An order was entered in that case on January 20,
17 2016, by Judge Vincent Gaughan, G-a-u-g-h-a-n,
18 wherein it's entitled a decorum order and it
19 prevents any witnesses or anyone involved in the
20 case from testifying and providing statements in
21 any way related to the evidence concerning this
22 case. That order is subject to -- or I should
23 say anyone that violates that order is subject
24 to criminal contempt before Judge Gaughan.

1 So, for those reasons, my client
2 cannot talk about anything pertaining to the
3 subject of the allegations in which he's been
4 served with today because there can be no
5 question that the allegations concerning the
6 investigation today and any answers to those
7 questions and allegations would certainly be
8 part of the subject matter in which Judge
9 Gaughan has specifically precluded from being
10 discussed.

11 If you want to give me a sticker,
12 I'll mark this as Exhibit A.

13 (WHEREUPON, a certain document was marked
14 Respondent's Exhibit A, for
15 identification, as of 04/07/2016.)

16 MR. HERBERT: So for all those reasons,
17 including the language or the information
18 discussed in the grievance that has previously
19 been filed, it is our position that my client,
20 Jason Van Dyke, will invoke his right to remain
21 silent pursuant to the Fifth Amendment.

22 MS. ANSARI: Officer Van Dyke, given the
23 information, the objections provided by your
24 counsel, and on the advice of your counsel, are

1 you refusing to answer questions regarding the
2 Laquan McDonald shooting.

3 OFFICER VAN DYKE: For all the reasons
4 addressed previously, I invoke my Fifth
5 Amendment right.

6 MS. ANSARI: At this time I'm going to call
7 Commander Deenihan of the Bureau of Internal
8 Affairs.

9 (PHONE RINGING)

10 COMMANDER DEENIHAN: Hello?

11 MS. ANSARI: Commander Deenihan, my name is
12 Sarah Ansari with the Office of Inspector
13 General. We are currently in a court-reported
14 interview of Officer Jason Van Dyke. His
15 counsel Dan Herbert, and Investigator Kris Brown
16 are also present.

17 The Office of Inspector General,
18 having provided appropriate notice to
19 Officer Van Dyke of this interview, is
20 attempting to ask him questions regarding the
21 Laquan McDonald shooting. He has refused to
22 answer questions based on his Fifth Amendment
23 right regarding the shooting, and we request
24 that you order Officer Van Dyke to answer the

1 Office of Inspector General's questions.

2 COMMANDER DEENIHAN: Am I on speaker?

3 MS. ANSARI: You are on speaker.

4 COMMANDER DEENIHAN: Jason, are you there?

5 MR. HERBERT: He's here.

6 COMMANDER DEENIHAN: Officer Van Dyke, this
7 is Commander Deenihan. I know I spoke with
8 you -- I think it was sometime earlier this
9 week -- and I provided you the General Order
10 that states that you are required to cooperate
11 in any administrative investigation and your
12 failure to cooperate could result in a penalty
13 up to and including separation. Do you
14 understand that order?

15 OFFICER VAN DYKE: Yes, sir.

16 COMMANDER DEENIHAN: So at this time, I'm
17 giving you a direct order to cooperate in the
18 administrative investigation. Do you understand
19 that?

20 OFFICER VAN DYKE: Yes, sir.

21 COMMANDER DEENIHAN: Okay. Do you need
22 anything else from me?

23 MR. HERBERT: Commander, real quick, how
24 are you, Commander? Dan Herbert.

1 COMMANDER DEENIHAN: I'm good, Dan. How
2 are you?

3 MR. HERBERT: Good. Thanks. We're on the
4 record. So it's my understanding that you are
5 not going to advise Jason of his criminal
6 rights; is that correct?

7 COMMANDER DEENIHAN: That's correct.

8 MR. HERBERT: And we are aware of an
9 ongoing grand jury investigation by the federal
10 government as well as the fact that my client is
11 currently a defendant in this case. So we
12 believe it's appropriate that he, in fact, be
13 given his criminal warnings pursuant to the
14 contract and pursuant to his administrative
15 rights as well.

16 COMMANDER DEENIHAN: Are you asking me to
17 give him his criminal rights?

18 MR. HERBERT: Someone's got to give him his
19 criminal rights.

20 MS. ANSARI: Commander Deenihan, Counsel is
21 putting this on the record, so I think we
22 don't -- the last thing we'd like is,
23 Mr. Herbert, will you stipulate that this is
24 Commander Deenihan on the phone?

1 MR. HERBERT: I will.

2 MS. ANSARI: I don't believe we need you
3 for anything else. Thank you, Commander
4 Deenihan.

5 COMMANDER DEENIHAN: Does anybody need me?

6 MS. ANSARI: I think we're good. Thank
7 you.

8 COMMANDER DEENIHAN: Okay. Let me know
9 what else you guys need. Thank you.

10 MS. ANSARI: We will. Thank you.

11 Can we go off the record? It is
12 10:27 a.m.

13 (WHEREUPON, discussion was
14 had off the record.)

15 MS. ANSARI: We can go back on the record.
16 It is 10:29 a.m.

17 Officer Van Dyke, given the order
18 from Commander Deenihan to answer the Office of
19 Inspector General, we ask -- we'd like to read
20 you your administrative rights.

21 MR. HERBERT: We can acknowledge that we
22 have received a copy of the administrative
23 rights; we've read them; we understand them; and
24 my client is going to maintain to invoke his

1 Fifth Amendment right.

2 MR. BROWN: And he will not sign the
3 advisement, correct?

4 MR. HERBERT: Correct, on the advice of
5 counsel.

6 MS. ANSARI: So we're marking the
7 Administrative Rights form as Exhibit 1 and
8 noting that Officer Van Dyke has refused to sign
9 the Administrative Rights form.

10 (WHEREUPON, a certain document was marked
11 Exhibit No. 1, for identification, as of
12 04/07/2016.)

13 MR. BROWN: And then Sarah and myself will
14 sign the witness lines.

15 MS. ANSARI: I'm marking as Exhibit 2 a
16 notification -- a document entitled Notification
17 of Interview for CPD member Officer Van Dyke
18 dated March 31st, 2016.

19 (WHEREUPON, a certain document was marked
20 Exhibit No. 2, for identification, as of
21 04/07/2016.)

22 MR. HERBERT: We'll acknowledge receipt of
23 this as well as it notes my client's signature
24 from April 4th. He was served personally.

1 MS. ANSARI: Marking as Exhibit 3 a
2 document entitled Notification of Allegations
3 dated April 4, 2016.

4 (WHEREUPON, a certain document was marked
5 Exhibit No. 3, for identification, as of
6 04/07/2016.)

7 MR. HERBERT: We will acknowledge that we
8 were served personally with this on April 4,
9 2016, as indicated by my client's signature. My
10 client has read and understands the allegations.

11 MS. ANSARI: Does your client have any
12 questions regarding the 34 allegations in the
13 Notification of Allegations?

14 MR. HERBERT: My client's position is that,
15 at this point, due to the criminal
16 investigation, one that is ongoing with the
17 federal government as well as the state case
18 that has already been charged, that he cannot
19 speak to any of the information contained within
20 the allegations.

21 MS. ANSARI: I'm marking as Exhibit 4 a
22 document entitled Receipt Form dated
23 February 24, 2016.

24

1 (WHEREUPON, a certain document was marked
2 Exhibit No. 4, for identification, as of
3 04/07/2016.)

4 MS. ANSARI: Officer Van Dyke, have you
5 received the information listed in the Receipt
6 Form?

7 MR. HERBERT: Can we go off the record?

8 MR. BROWN: Sure. The time is now 10:33
9 and we're off the record.

10 (WHEREUPON, discussion was
11 had off the record.)

12 MS. ANSARI: Can we go back on the record.
13 It's 10:33 a.m.

14 When we went off the record, I was
15 marking as Exhibit 4 a document entitled Receipt
16 Form dated February 24, 2016.

17 Officer Van Dyke, have you received
18 the DVD containing the materials listed in the
19 receipt?

20 OFFICER VAN DYKE: For all the reasons
21 addressed previously, I invoke my Fifth
22 Amendment right.

23 MS. ANSARI: I'd like to note for the
24 record that Officer Jason Van Dyke's signature

1 is on Page 2 of the Receipt Form, and it is
2 dated February 24, 2016.

3 Marking as Exhibit 5 a document
4 entitled Receipt Form dated April 4, 2016.

5 (WHEREUPON, a certain document was marked
6 Exhibit No. 5, for identification, as of
7 04/07/2016.)

8 MS. ANSARI: Officer Van Dyke, have you
9 received the information listed in this Receipt
10 Form?

11 OFFICER VAN DYKE: For all the reasons
12 addressed previously, I invoke my Fifth
13 Amendment right.

14 MS. ANSARI: I'll note for the record that
15 Officer Jason Van Dyke's name is -- or signature
16 is at the bottom of the Receipt Form and is
17 dated April 4, 2016.

18 Marking as Exhibit 6 an April 4,
19 2016, memo to William Marback, the Deputy
20 Inspector General, from Brendan Deenihan
21 Commander of Bureau of Internal Affairs.

22 (WHEREUPON, a certain document was marked
23 Exhibit No. 6, for identification, as of
24 04/07/2016.)

1 MS. ANSARI: The memo states that the
2 Reporting Commander met with Officer Jason Van
3 Dyke on April 4th, 2016 at 1530 hours at the
4 Fraternal Order of Police Hall on 1412 West
5 Washington. Also present was Sergeant Daniel
6 O'Connor from BIA and FOP representative Tom
7 McDonough.

8 Reporting Commander gave
9 Officer Van Dyke a direct order to cooperate
10 with the ongoing investigation into the
11 allegations of misconduct against him.

12 Reporting Commander served Van Dyke
13 with the Notification of Interview for CPD
14 member. The interview was scheduled for
15 April 7th, 2016, 10:00 a.m., at 300 West Adams,
16 Chicago, Illinois.

17 Reporting Commander also served
18 Van Dyke with Notification of Allegations as
19 well as a Receipt Form regarding additional
20 items given to Van Dyke.

21 Officer Van Dyke signed all the
22 appropriate forms and stated he understood the
23 order to cooperate with the investigation.

24 Furthermore, Reporting Commander

1 tendered General Order 0801 and Rule 51 of CPD's
2 rules and regulations. Both explained a
3 member's duty to cooperate with any ongoing
4 administrative investigation.

5 The memorandum is signed by Brendan
6 Deenihan.

7 Officer Van Dyke, did Reporting
8 Commander Brendan -- did Commander Brendan
9 Deenihan give you an order -- a direct order to
10 cooperate with the ongoing investigation into
11 allegations of misconduct against you on
12 April 4, 2016?

13 MR. HERBERT: We will acknowledge that that
14 order was given, which is why we're here.

15 MS. ANSARI: Marking as Exhibit 7 a
16 transcript of Officer Van Dyke's October 22nd,
17 2014, IPRA interview.

18 (WHEREUPON, a certain document was marked
19 Exhibit No. 7, for identification, as of
20 04/07/2016.)

21 MS. ANSARI: Officer Van Dyke, have you
22 seen this document?

23 OFFICER VAN DYKE: For all the reasons
24 addressed previously, I invoke my Fifth

1 Amendment rights.

2 MS. ANSARI: As noted on the Receipt Form
3 that Officer Van Dyke signed on February 24,
4 2016, Officer Van Dyke received the transcript
5 of his October 22, 2014, interview with IPRA.

6 I'm marking into evidence Exhibit 8
7 an excerpt of a CPD Case Supplementary Report
8 dated March 16, 2015, with RD Number HX4756534
9 containing Officer Van Dyke's statement to
10 Detective March.

11 (WHEREUPON, a certain document was marked
12 Exhibit No. 8, for identification, as of
13 04/07/2016.)

14 MS. ANSARI: Officer Van Dyke, did you
15 receive this statement on February 24, 2016?

16 OFFICER VAN DYKE: For all the reasons
17 addressed previously, I invoke my Fifth
18 Amendment rights.

19 MS. ANSARI: For the record, the Receipt
20 Form lists the CPD Case Supplementary Report
21 dated March 16, 2015.

22 I'm marking into evidence as
23 Exhibit 9 a second excerpt of a CPD Case
24 Supplementary Report dated March 16, 2015, with

1 RD Number HX475653 containing Officer Van Dyke's
2 second statement to Detective March.

3 (WHEREUPON, a certain document was marked
4 Exhibit No. 9, for identification, as of
5 04/07/2016.)

6 MS. ANSARI: Officer Van Dyke, have you
7 read this statement?

8 MR. HERBERT: What was the question? Has
9 he read it?

10 MS. ANSARI: Or do you understand -- did
11 you receive this statement on --

12 MR. HERBERT: This case report?

13 MS. ANSARI: Did you receive this case
14 report from IAD on April 4, 2016?

15 OFFICER VAN DYKE: For all the reasons
16 addressed previously, I invoke my Fifth
17 Amendment right.

18 MR. HERBERT: At this time we're going
19 to -- my client is going to invoke his Fifth
20 Amendment rights, so whatever documents you
21 have, if you want to just enter them into the
22 record, that's fine. They're going to be part
23 of the record. Our answer's not going to change
24 so...

1 MS. ANSARI: Okay. I'm entering into
2 evidence Exhibit 10, a General Progress Report
3 dated October 20, 2014, with RD Number HX475653
4 containing Detective March's notes of his
5 interview of Officer Van Dyke.

6 (WHEREUPON, a certain document was marked
7 Exhibit No. 10, for identification, as of
8 04/07/2016.)

9 MR. BROWN: Did you still want to see it at
10 all?

11 MR. HERBERT: No.

12 MS. ANSARI: I'm entering into evidence
13 Exhibit 11, a General Progress Report dated
14 October 20th, 2014, with RD number HX475653
15 containing Detective March's notes of his second
16 interview of Officer Van Dyke.

17 (WHEREUPON, a certain document was marked
18 Exhibit No. 11, for identification, as of
19 04/07/2016.)

20 MS. ANSARI: I'm entering into evidence
21 Exhibit 12 a Tactical Response Report with
22 RD Number HX475653.

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1 (WHEREUPON, a certain document was marked
2 Exhibit No. 12, for identification, as of
3 04/07/2016.)

4 MS. ANSARI: I'm entering into evidence as
5 Exhibit 13 an Officer's Battery Report with
6 RD Number HX475653.

7 (WHEREUPON, a certain document was marked
8 Exhibit No. 13, for identification, as of
9 04/07/2016.)

10 MS. ANSARI: Officer Van Dyke, I'd like to
11 turn your attention to Exhibit 3. Exhibit 3 is
12 the April 4, 2016, Notification of Allegations
13 served on Jason Van Dyke with his signature on
14 the last page.

15 Officer Van Dyke, on or about
16 October 20th, 2014, you provided a false
17 narrative to Detective David March of the
18 Chicago Police Department concerning the
19 McDonald shooting through a series of false
20 statements and material omissions.

21 What is your response to the
22 allegation against you?

23 OFFICER VAN DYKE: For all the reasons
24 addressed previously, I invoke my Fifth

1 Amendment rights.

2 MR. HERBERT: And I will state for the
3 record that there's not an answer that we could
4 give to any of these allegations that would not
5 be violative of the decorum order and would not
6 subject my client to further criminal
7 prosecution.

8 So, based on that, my client will
9 invoke his Fifth Amendment right to any
10 questions. So, with that being said, we can --
11 I'm hoping we can adjourn.

12 MS. ANSARI: Well, it's OIG's position, as
13 this is a compelled administrative interview
14 and, as you have been advised, the statements
15 you make during this interview cannot be used
16 against you in a criminal proceeding, therefore,
17 your invocation of the Fifth Amendment is not
18 valid.

19 Accordingly, should you fail to
20 answer the question, your failure to respond
21 will subject you to discipline.

22 MR. HERBERT: And I will just state that
23 the IG's position on that is patently false.
24 Statements made during an administrative

1 investigation can, in fact, be used as -- in
2 furtherance of the prosecution and they can
3 certainly be used as substantive evidence when
4 it comes to the areas of impeachment. So I
5 wanted to point that fact out.

6 And if you want -- off the record, if
7 you don't mind?

8 MR. BROWN: Sure. The time is 10:44 and
9 we're off the record.

10 (WHEREUPON, discussion was
11 had off the record.)

12 MS. ANSARI: Let's go back on the record.
13 It's 10:45 a.m.

14 MR. HERBERT: It's my understanding that
15 any questions that would be asked of my client
16 would require him to give answers that would be
17 in violation of his Fifth Amendment rights as
18 well as the decorum order that we addressed
19 earlier.

20 So at this point, we do not see the
21 necessity to answer any further questions unless
22 the IG has questions that do not relate to this
23 case in some way, shape, or form.

24 MS. ANSARI: Mr. Herbert, has your client

1 read allegations 1 through 34 in the
2 notification of allegations?

3 MR. HERBERT: Yes.

4 MS. ANSARI: Does he understand the
5 allegations made against him by the OIG in
6 allegations 1 through 34 in the notification of
7 allegations?

8 MR. HERBERT: No, he doesn't and nor do I.

9 MS. ANSARI: And is your position that
10 Officer Van Dyke will take the Fifth Amendment
11 in response to any questions relating -- any
12 question -- in response to the allegations 1
13 through 34 in the Notification of Allegations.

14 MR. HERBERT: He has to otherwise he would
15 subject himself to further criminal prosecution
16 and a violation of a court order.

17 MS. ANSARI: In addition to the questions
18 relating to the allegations in the Notification
19 of Allegations, OIG has additional questions
20 concerning the Laquan McDonald shooting. Is it
21 correct that you will invoke the Fifth Amendment
22 in response to each of those questions?

23 MR. HERBERT: If it relates to the Laquan
24 McDonald shooting in any way, shape, or form,

1 it's evidence in a future criminal proceeding
2 and it is evidence that is subject to an ongoing
3 criminal investigation by the federal
4 government, so yes.

5 MS. ANSARI: Can we take a quick break.

6 It's 10:47 a.m.

7 (WHEREUPON, a recess was had.)

8 MS. ANSARI: We're back on the record.

9 It's 10:48 a.m.

10 We'd like to go through each of the
11 allegations 1 through 34 one by one and have
12 Officer Van Dyke respond to each in turn.

13 MR. HERBERT: We are not going to do that.
14 My client is facing a first degree murder charge
15 in which the sentence is a minimum of 45 years
16 in jail.

17 We have come down here because we're
18 compelled to come down here. We have indicated
19 the legal bases as to why we cannot answer any
20 of these questions. The purpose of going
21 through questions in which we know what the
22 answer is going to be would serve no purpose,
23 and, respectfully, because we are compelled by
24 the court and my client has criminal rights, we

1 cannot and will not speak on this issue.

2 So, therefore, unless there is
3 anything that is unrelated to this case, we are
4 going to leave at this point.

5 MR. BROWN: The time is 10:49 and that will
6 terminate the interview.

7 (WHEREUPON, the interview was
8 concluded at 10:49 a.m.)

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1 C E R T I F I C A T E O F R E P O R T E R

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3 I, MICHELLE M. YOHLER, a Certified
4 Shorthand Reporter within and for the County of
5 Cook, State of Illinois, do hereby certify:

6 That previous to the commencement of
7 the examination of the witness, the witness was
8 duly sworn to testify the whole truth concerning
9 the matters herein;

10 That the foregoing interview
11 transcript was reported stenographically by me,
12 was thereafter reduced to typewriting under my
13 personal direction and constitutes a true record
14 of the testimony given and the proceedings had;

15 That the said interview was taken
16 before me at the time and place specified;

17 That I am not a relative or employee
18 or attorney or counsel, nor a relative or
19 employee of such attorney or counsel for any of
20 the parties hereto, nor interested directly or
21 indirectly in the outcome of this action.

22

23

24

1 IN WITNESS WHEREOF, I do hereunto set
2 my hand and affix my seal of office at Chicago,
3 Illinois, this 7th day of April, 2016.
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Michelle Pooletti Yorker

11 C.S.R. Certificate No. 84-4531.
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CITY OF CHICAGO
OFFICE OF INSPECTOR GENERAL

ADVISEMENT OF RIGHTS

I, JASON VAN DYKE, understand that I am being interviewed by
Sarah Anson and Kristopher Brown from the City of
Chicago Office of Inspector General.

DATE 4/7/16 TIME 10:15am LOCATION 300 W. Adams St. suite 800

I understand that this interview is part of an official investigation and that I have a duty to cooperate with the Office of Inspector General, which includes answering all questions completely and truthfully.

I understand that I have no right to remain silent. I understand that I have an obligation to answer questions put to me truthfully. I understand that if I refuse to answer questions put to me, I will be ordered by a superior officer to answer the questions. I further understand and I have been advised that if I persist in my refusal to answer after an order to do so, such further refusal constitutes a violation of the Rules and Regulations of the Chicago Police Department and may serve as the basis for my discharge.

I understand and have been advised that my statements or responses may constitute an official police report. I understand that Rule 14 of the Chicago Police Department's Rules and Regulations prohibits making a false report, written or oral, and I further understand that making such a false report, whether written or oral, may result in my separation from the Chicago Police Department.

I understand that any statement made by me during this interview may be used as evidence of misconduct or as the basis for disciplinary action up to and including removal or discharge.

I understand that any statement made by me during this interview and the fruits thereof cannot be used against me in a criminal proceeding.

I understand that I have the right to have a union representative, or legal counsel of my choosing, present at the interview to consult with, and that I will be given a reasonable time to obtain a union representative or legal counsel as long as the interview is not unduly delayed.

I understand that a refusal to answer any question, or any false, inaccurate, or deliberately incomplete statement by me would constitute a violation of Chicago Municipal Ordinance 2-56, and may serve as the basis for my discharge.

I acknowledge that this statement of my administrative rights has been read aloud to me, and I have been allowed to review this document.

Employee Signature _____

Witness: _____

Witness: _____

WAIVER

Understanding these rights, I wish to answer questions from investigators from the Office of Inspector General without having a union representative or legal counsel present. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Employee Signature: _____



NOTIFICATION OF INTERVIEW TO CPD MEMBER			DATE
CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL			March 31, 2016
NAME	RANK	STAR NO.	UNIT OF ASSIGNMENT
Jason Van Dyke	Police Officer	9465	008

YOUR APPEARANCE IS REQUIRED

AT <input checked="" type="checkbox"/>	Amicus Court Reporters 300 West Adams, Ste. 800 Chicago, IL 60606	ON	DATE	TIME
			April 7, 2016	10:00 AM

AS ☒ ACCUSED ☐ WITNESS ☐ COMPLAINANT

FOR ☒ A STATEMENT

CONCERNING

False statements made in connection with the October 20, 2014 shooting of Laquan McDonald; the operation of the Chicago Police Department's in-car video system.

YOU ARE TO REPORT TO:

LEAD INVESTIGATOR	TITLE	PHONE NO.	EMAIL
Kristopher Brown	Investigator III	773-478-0221	kbrown@chicagoinpectorgeneral.org

NOTE: You MUST notify the Lead Investigator of your inability to keep this scheduled appointment.

ALSO PRESENT AT THE INTERVIEW WILL BE:

NAME	TITLE	NAME	TITLE
Sarah Ansari	Assistant Inspector General	N/A	N/A

THE INTERVIEW WILL BE ☐ AUDIO RECORDED ☒ TRANSCRIBED BY A LIVE REPORTER

TO BE COMPLETED BY INTERVIEWEE (if applicable)

ACKNOWLEDGEMENT

Please contact Investigator Brown at (773) 478-0221 to confirm receipt of Notification of Interview and to confirm your attendance at the interview.

I hereby acknowledge receipt of this Notification of Interview.

SIGNATURE

[Signature] 9465

DATE

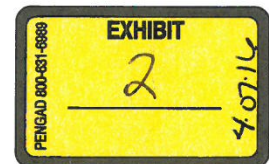
4-4-16

PRINTED NAME

JASON D. VAN DYKE

TIME

330



TO BE COMPLETED BY OFFICE OF INSPECTOR GENERAL OR CPD COMPONENT PROVIDING NOTIFICATION TO INTERVIEWEE

NOTIFICATION MADE TO:

William MARBACK

TITLE, RANK, & UNIT

DATE

TIME

Dep. Inspector General

4-4-16

1545 HRS

NOTIFICATION MADE BY:

TITLE, RANK, & UNIT

DATE

TIME

David OWE #1251

Sgt BIA Advocate

4-4-16

1545 HRS

NOTIFICATION OF ALLEGATIONS

CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL

NAME OF ACCUSED	RANK	STAR NO.	UNIT OF ASSIGNMENT
Jason Van Dyke	Police Officer	9465	008

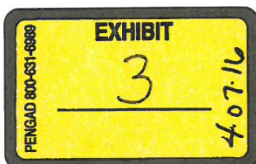
City ordinance, and if applicable, collective bargaining agreements, provide that you are entitled to notice of the nature of the allegations against you and the identity of all complainants prior to any interview. Accordingly, you are advised as follows:

COMPLAINANT

1. John J. Escalante, Interim Superintendent of Chicago Police Department, sent a letter to the City of Chicago Office of Inspector General (OIG) dated January 13, 2016, requesting that OIG conduct an administrative investigation of the following allegations arising out of the October 20, 2014 shooting death of Laquan McDonald (the McDonald Shooting): "whether any officer(s) made false statements on official reports submitted in connection with the shooting of Laquan McDonald on October 20, 2014; whether any officer(s) obstructed or interfered with the investigation of this incident, either individually or in collusion with others; and whether any officer(s) committed any violation of Chicago Police Department rules, policies, or orders in connection with their response and/or handling of this matter." Escalante attached to the letter a copy of Sergeant S. Soria's (Star # 2275) Initiation Report, which raises similar allegations of misconduct with respect to Department members in connection with the McDonald Shooting, and identified that Report as a basis for OIG's administrative investigation.

ALLEGATIONS

1. On or about October 20, 2014, you provided a false narrative to Detective David March of the Chicago Police Department (CPD) concerning the McDonald Shooting through a series of false statements and material omissions.
2. On or about October 20, 2014, you made a false statement during an interview with CPD Detective March when, with respect to the McDonald Shooting, you stated that McDonald ran out onto Pulaski and then turned southbound, running towards a Dunkin' Donuts restaurant.
3. On or about October 20, 2014, you made a false statement during an interview with CPD Detective March when, with respect to the McDonald shooting, you stated that Officer Walsh positioned your police vehicle between McDonald and the Dunkin' Donuts to block McDonald's path towards that restaurant.
4. On or about October 20, 2014, you made a false statement during an interview with CPD Detective March when, with respect to the McDonald Shooting, you stated that McDonald was swinging a knife in an aggressive, exaggerated manner.
5. On or about October 20, 2014, you made a false statement during an interview with CPD Detective March when, with respect to the McDonald Shooting, you stated that McDonald ignored your verbal directions to drop the knife and continued to advance toward you.
6. On or about October 20, 2014, you made a material omission during an interview with CPD Detective March when, with respect to the McDonald



-Page 1 of 4-

Shooting, you failed to state that McDonald changed the direction in which he was walking prior to the shooting.

7. On or about October 20, 2014, you made a material omission during an interview with CPD Detective March when, with respect to the McDonald Shooting, you failed to state that you and Officer Walsh moved towards McDonald prior to the shooting.
8. On or about October 20, 2014, you made a false statement during an interview with CPD Detective March when, with respect to the McDonald Shooting, you stated that when McDonald got within 10 to 15 feet of you, he raised the knife across his chest and over his shoulder, pointing the knife at you.
9. On or about October 20, 2014, you made a false statement during an interview with CPD Detective March when, with respect to the McDonald Shooting, you stated that you believed McDonald was attacking you with the knife and attempting to kill you.
10. On or about October 20, 2014, you made a false statement during an interview with CPD Detective March when, with respect to the McDonald Shooting, you stated that you backpedaled and fired your handgun at McDonald.
11. On or about October 20, 2014, you made a false statement during an interview with CPD Detective March when, with respect to the McDonald Shooting, you stated that McDonald fell to the ground but continued to move and continued to grasp the knife, refusing to let go of it.
12. On or about October 20, 2014, you made a false statement during an interview with CPD Detective March when, with respect to the McDonald Shooting, you stated that McDonald appeared to be attempting to get up, while continuing to point the knife at you.
13. On or about October 21, 2014, you provided CPD Detective David March with a false explanation of the rationale for your decision to use deadly force against Laquan McDonald, through a series of false statements.
14. On or about October 21, 2014, you and CPD Detective March conspired to create a false justification for your use of deadly force against McDonald.
15. On or about October 21, 2014, you made a false statement during an interview with CPD Detective March when, with respect to the McDonald Shooting, you stated that you used deadly force against Laquan McDonald because you were aware of the widely accepted teaching in law enforcement that an assailant armed with a knife was considered a deadly threat, if he or she was within 21 feet of an officer.
16. On or about October 21, 2014, you made a false statement during an interview with CPD Detective March when, with respect to the McDonald Shooting, you stated that you used deadly force against Laquan McDonald because you were aware of the existence of throwing knives, which can be thrown from a distance, as well as spring loaded knives, which propel a blade through the air from the knife handle.
17. On or about October 21, 2014, you made a false statement during an interview with CPD Detective March when, with respect to the McDonald shooting, you stated that you used deadly force against Laquan McDonald because you recalled a previously issued CPD bulletin warning of a weapon which appeared

to be a knife, but was actually capable of firing a bullet, making it a firearm.

18. On or about October 22, 2014, you provided a false narrative to Independent Police Review Authority (IPRA) Investigator Brian Killen concerning the McDonald Shooting through a series of false statements and material omissions.
19. On or about October 22, 2014, you made a false statement during an interview with IPRA Investigator Killen when, with respect to the McDonald shooting, you stated that you and Officer Walsh cut McDonald off as he was trying to run to Dunkin' Donuts.
20. On or about October 22, 2014, you made a false statement during an interview with IPRA Investigator Killen when, with respect to the McDonald Shooting, you stated that McDonald was running southbound in the middle of Pulaski towards you and waving a knife at you.
21. On or about October 22, 2014, you made a material omission during an interview with IPRA Investigator Killen when, with respect to the McDonald Shooting, you failed to state that McDonald changed the direction in which he was walking prior to the shooting.
22. On or about October 22, 2014, you made a false statement during an interview with IPRA Investigator Killen when, with respect to the McDonald Shooting, you stated that you backpedaled as McDonald was coming towards you.
23. On or about October 22, 2014, you made a false statement during an interview with IPRA Investigator Killen when, with respect to the McDonald Shooting, Killen asked if you were still moving backwards when you fired, and you stated, "Yes."
24. On or about October 22, 2014, you made a material omission during an interview with IPRA Investigator Killen when, with respect to the McDonald Shooting, you failed to state that you and Officer Walsh moved towards McDonald prior to the shooting.
25. On or about October 22, 2014, you made a false statement during an interview with IPRA Investigator Killen when, with respect to the McDonald Shooting, you stated you believed McDonald was going to take your life.
26. On or about October 22, 2014, you made a false statement during an interview with IPRA Investigator Killen when, with respect to the McDonald Shooting, Killen asked if everything you stated was a true and accurate account of what occurred, and you stated, "Yes."
27. On or about October 20, 2014, in the Tactical Response Report you completed concerning the McDonald Shooting, which includes an Event Number of 1429315878 and an R.D. Number of HX475653 (the TRR), you made a false statement when you marked the box labeled "imminent threat of battery" under the category titled "Assailant: Assault."
28. On or about October 20, 2014, you made a false statement in the TRR when you marked the box labeled "attack with weapon" under the category titled "Assailant: Battery."


29. On or about October 20, 2014, you made a false statement in the TRR when you marked the box labeled "uses force likely to cause death or great bodily harm" under the category titled "Assailant: Deadly Force."
30. On or about October 20, 2014, in the Officer's Battery Report you completed concerning the McDonald Shooting, which included an R.D. Number of HX475653 (the Battery Report), you made a false statement when, under the heading titled "Manner of Attack," you marked the box labeled "stabbed/cut (including actual attempt)."
31. On or about October 20, 2014, you made a false statement in the Battery Report when you stated that three officers were battered.
32. On or about October 20, 2014, you failed to ensure the in-car video system for CPD vehicle 6412 was working properly at the beginning of your tour of duty.
33. On or about October 20, 2014, you failed to immediately notify a supervisor that the in-car video system for CPD vehicle 6412 was inoperable or damaged.
34. On or about October 20, 2014, you failed to audibly record events with CPD vehicle 6412's in-car video system during your tour of duty.

ACKNOWLEDGEMENT

I hereby acknowledge receipt in writing of the identity of the complainant(s) and notice of the nature of the allegation(s) against me.

Signature  9465 Date 4-4-16
Printed Name JASON VAN DYKE Time 330

WITNESSES

 #1251



CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL
740 North Sedgwick Street
Suite 200
Chicago, Illinois 60654

RECEIPT FORM

OIG FILE NO. 15-0564

ON

24 FEB 16
DATE

AT

1258
TIME

Sgt J. Schuler 1881
NAME

Sergeant
TITLE

☐ SEIZED FROM

☐ RECEIVED FROM

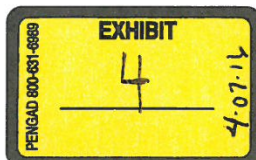
☐ RETURNED TO

☒ RELEASED TO

NAME	TITLE	DEPT.
Jason Van Dyke	Police Officer	Chicago Police Department

THE FOLLOWING ITEM(S):

1. A City of Chicago Office of Inspector General DVD containing the following materials:
 - a copy of the portion of the March 16, 2015 Case Supplementary Report for R.D. No. HX475653 that memorializes Detective David March's October 20, 2014 interview of Jason Van Dyke;
 - Detective March's October 20, 2014 General Progress Report for R.D. No. HX475653 concerning March's October 20, 2014 interview of Jason Van Dyke;
 - A copy of the transcript of the October 22, 2014 interview of Jason Van Dyke, conducted by Independent Police Review Authority Investigation Brian Killen;
 - The October 20, 2014 Tactical Response Report for R.D. No. HX475653;
 - The October 20, 2014 Officer's Battery Report for R.D. No. HX475653;
 - The October 20, 2014 audio and video files for the in-car video system of beat number 813R;
 - The October 20, 2014 audio and video files for the in-car video system of beat number 845R;



- The October 20, 2014 Dunkin Donuts security video of the Laquan McDonald shooting.

ACKNOWLEDGEMENT

I hereby acknowledge receipt in writing of the above-listed item(s).

Signature  Date 2-24-16
Printed Name JASON VAN DYKE Time 12:55

WITNESSES

 1881  FOR # 20267



CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL
740 North Sedgwick Street
Suite 200
Chicago, Illinois 60654

RECEIPT FORM

OIG FILE NO. 15-0564

ON

DATE 4-4-16

AT

TIME 330 pm

NAME Sgt. Daniel O'Connor #1251

TITLE Sgt/CPD

☐ SEIZED FROM

☐ RECEIVED FROM

☐ RETURNED TO

☒ RELEASED TO

NAME	TITLE	DEPT.
Jason Van Dyke	Police Officer	Chicago Police Department

THE FOLLOWING ITEM(S):

- A copy of the portion of the March 16, 2015 Case Supplementary Report for R.D. No. HX475653 that memorializes Detective David March's October 21, 2014 interview of Jason Van Dyke;
- Detective March's October 21, 2014 General Progress Report for R.D. No. HX475653 concerning March's October 21, 2014 interview of Jason Van Dyke.

ACKNOWLEDGEMENT

I hereby acknowledge receipt in writing of the above-listed item(s).

Signature [Signature] 9465

Date 4-4-16

Printed Name JASON VAN DYKE

Time 330

WITNESSES

[Signature] #1251



Bureau of Internal Affairs

04 April 2016

TO: William Marback
Deputy
Inspector General

FROM: Brendan Deenihan
Commander
Bureau of Internal Affairs

SUBJECT: OIG #15-0564

Reporting Commander met with Officer Jason VAN DYKE on 04 April 2016 at 1530 hours at the Fraternal Order of Police Hall on 1412 W. Washington. Also present was Sgt. Daniel OCONNOR from BIA, and FOP representative Tom MCDONOUGH.

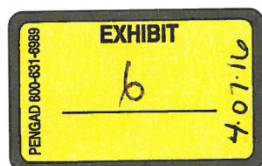
Reporting Commander gave Officer VAN DYKE a direct order to cooperate with the ongoing investigation into the allegations of misconduct against him. Reporting Commander served VAN DYKE with the Notification of Interview to CPD Member. The interview was scheduled for April 7th, 2016, 10:00 A.M. at 300 W. Adams, Chicago, IL. Reporting Commander also served VAN DYKE with Notification of Allegations, as well as a receipt form regarding additional items given to VAN DYKE.

Officer VAN DYKE signed all the appropriate forms, and stated he understood the order to cooperate with the investigation. Furthermore, Reporting Commander tendered General Order 08-01, and Rule 51 of the CPD's rules and regulations. Both explain a member's duty to cooperate with any ongoing administrative investigation.


Brendan Deenihan

Commander

Bureau of Internal Affairs

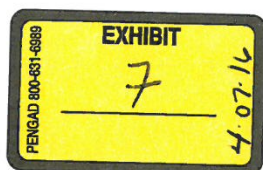


STATEMENT OF P.O. JASON VAN DYKE

CONDUCTED BY INVESTIGATOR KILLEN

ON OCTOBER 22, 2014 AT 1147 HOURS

AT THE INDEPENDENT POLICE REVIEW AUTHORITY



1072125
~~1072125~~ 162

1 KILLEN: This is the audio recorded interview of Officer
2 Jason Van Dyke regarding Log number 1072125 U
3 number 14 dash 36. Today is the 22nd of October
4 2014. And the time is approximately 1147 hours.
5 This statement is bein' taken at the offices of
6 the Independent Police Review Authority at 1615
7 West Chicago Avenue. My name is Investigator
8 Killen, that's spelled K I L L E N. My star
9 number is 1 2 9. Present in the room is also uh
10 FOP Field Rep uh Kriston Kato.
11 KATO: Kristen Kato, K R I S T O N. Last name is K A T
12 O. FOP Field Representative.
13
14 KILLEN: Uh and also uh Attorney Thomas Rebholz.
15 REBHOLZ: Uh Attorney Thomas Rebholz, T H O M A S, R E B H.
16 O L Z.
17
18 KILLEN: Okay. And then Officer Van Dyke if you would say
19 and spell your first name and last names for me.
20 P.O.VAN DYKE: Jason Van Dyke. J A S O N. V A N, D Y K E.
21
22 KILLEN: And uh what's your star number?
23 P.O.VAN DYKE: 9 4 6 5.
24
25 KILLEN: And your employee number?
26 P.O.VAN DYKE: [REDACTED]
27
28 KILLEN: All right. And your date of appointment with the
29 Department?
30 P.O.VAN DYKE: 25 June 2001.
31
32 KILLEN: And your date of birth?

1 P.O.VAN DYKE: [REDACTED]
2
3 KILLEN: And your current unit of assignment?
4 P.O.VAN DYKE: 8th District.
5
6 KILLEN: How long you been assigned to 8?
7 P.O.VAN DYKE: Uh since January of this year.
8
9 KILLEN: Where were you before that?
10 P.O.VAN DYKE: 7th District.
11
12 KILLEN: Okay. (clears throat) And you're now prepared to
13 give a statement regarding this incident?
14 P.O.VAN DYKE: Yes.
15
16 KILLEN: All right and you're aware that this statement
17 has the standing of an official Department
18 report. And that any intentional falsification
19 to any answer to any question would be in direct
20 violation of Department rules and regulations?
21 P.O.VAN DYKE: Yes.
22
23 KILLEN: Given that, I'd like to remind you that failure
24 to provide a complete and accurate account of
25 this incident could result in a finding of a
26 violation of Rule 14 with discipline leading up
27 to and including separation from the Chicago
28 Police Department. Do you understand?
29 P.O.VAN DYKE: Yes.
30
31 KILLEN: All right and before we do start, any um, this
32 device that we're usin' to record this is really

1 sensitive. So any whispered conversation you
2 might have it'll pick it up. So you need to, if
3 you wanna talk to the attorney raise your hand
4 we'll pause it. We'll let you have your
5 conversation then we'll continue on okay?

6 P.O.VAN DYKE: Yes.

7

8 KILLEN: All right so on 20 October 2014 at approximately
9 2156 hours what was your duty status and
10 assignment?

11 P.O.VAN DYKE: Uh this statement is not being given
12 voluntarily but under duress. I'm only giving
13 this statement at this time because I know that I
14 will loose my job if I refuse the direct order
15 given to me.

16

17 KILLEN: Okay so same question October 20th approximately
18 2156 hours what was your duty status?

19 P.O.VAN DYKE: I was assigned to the Chicago Police
20 Department.

21

22 KILLEN: Were you on duty?

23 P.O.VAN DYKE: Yes I was.

24

25 KILLEN: Okay. What time did you start work that night?

26 P.O.VAN DYKE: 2100 hours.

27

28 KILLEN: Okay and uh were you assigned a partner?

29 P.O.VAN DYKE: Yes I was.

30

31 KILLEN: Who's your partner?

32 P.O.VAN DYKE: Uh Joe Walsh.

1
2 KILLEN: All right and were you and Officer Walsh full
3 uniform?
4 P.O.VAN DYKE: Uh we were in full uniform in a marked squad
5 car.
6
7 KILLEN: Okay were you in a car, Tahoe, what were you in?
8 P.O.VAN DYKE: We were in a Tahoe.
9
10 KILLEN: Okay marked?
11 P.O.VAN DYKE: Yes.
12
13 KILLEN: Do you remember the outside number on it?
14 P.O.VAN DYKE: No I do not.
15
16 KILLEN: Do you remember what beat you were assigned?
17 P.O.VAN DYKE: Um 845 Robert.
18
19 KILLEN: Okay. And then so on 20 October 2014 your, your
20 shift started 2100 hours correct?
21 P.O.VAN DYKE: Yes sir.
22
23 KILLEN: What would you be 2100 to 0600?
24 P.O.VAN DYKE: Yes.
25
26 KILLEN: Okay is that, that's your regular shift?
27 P.O.VAN DYKE: Um no I'm a relief officer.
28
29 KILLEN: Okay so you kinda bounce a lil bit?
30 P.O.VAN DYKE: Yes.
31
32 KILLEN: Okay. (clears throat) A midnight guy --

1 P.O.VAN DYKE: Yes.

2

3 KILLEN: -- essentially. All right. Did you work the
4 night before?

5 P.O.VAN DYKE: No I did not.

6

7 KILLEN: So the 20th of October is like your Monday?

8 P.O.VAN DYKE: Yes.

9

10 KILLEN: Okay. Prior to, prior to showin' up to work on
11 the 20th of October where were ya?

12 P.O.VAN DYKE: Um I was at home. And I had a part-time job
13 that day.

14

15 KILLEN: Oh whadda you do?

16 P.O.VAN DYKE: Um I worked at uh the Wal-Mart in Cicero.

17

18 KILLEN: Security?

19 P.O.VAN DYKE: Yes.

20

21 KILLEN: Okay.

22 P.O.VAN DYKE: For Moneray.

23

24 KILLEN: Did you go, go from Moneray Security work, you
25 work for Moneray Security?

26 P.O.VAN DYKE: Yes.

27

28 KILLEN: I gotcha. Did you go from your part-time job to,
29 to the 8th District and work? Or did you go from
30 home to 8?

31 P.O.VAN DYKE: I went from home to 8.

32

1 KILLEN: Okay. All right and then on 20 October 2014
2 approximately 2156 hours you were involved in a
3 police shooting correct?

4 P.O.VAN DYKE: Yes.
5

6 KILLEN: All right. And if you would just start from the
7 beginning explain what happened that night that
8 brought you, brought you there?

9 P.O.VAN DYKE: Um I heard um 815 Robert requesting
10 assistance and we responded.
11

12 KILLEN: Okay. So (inaudible) so 20, so on 20 October
13 2014 you start work at 2100 hours correct?

14 P.O.VAN DYKE: Yes.
15

16 KILLEN: So you get there you have roll call?

17 P.O.VAN DYKE: Yes.
18

19 KILLEN: What time do you have roll call at? About?

20 P.O.VAN DYKE: Around 2100, 2110.
21

22 KILLEN: Okay. And if you remember approximately what
23 time did you get out of roll call?

24 P.O.VAN DYKE: Maybe 20 minutes later.
25

26 KILLEN: Okay so say somewhere between 2130, 2140?

27 P.O.VAN DYKE: Yes.
28

29 KILLEN: All right so you and Officer Walsh you go get
30 your car?

31 P.O.VAN DYKE: Yes.
32

1 KILLEN: You guys get in the car. You leave the 8th
2 District.

3 P.O.VAN DYKE: Yes.
4

5 KILLEN: And whadda you do immediately from leaving the 8th
6 District?

7 P.O.VAN DYKE: Um we drove and we got some coffee at the 7
8 Eleven on 59th and Pulaski.
9

10 KILLEN: Okay. Is that where you're at when you hear the
11 call that the 815 Robert needs assistance?

12 P.O.VAN DYKE: We were leaving there.
13

14 KILLEN: Okay. So you get your coffee and the call you're
15 talkin' about you hear over the radio correct?

16 P.O.VAN DYKE: Yes.
17

18 KILLEN: Were you assigned the job? Or did you just hear
19 it?

20 P.O.VAN DYKE: Um we didn't hear their initial job. We
21 heard them requesting assistance.
22

23 KILLEN: Okay do you remember exactly what kinda
24 assistance they were lookin' for or why?

25 P.O.VAN DYKE: Um they were requesting a taser for an
26 individual.
27

28 KILLEN: Okay do you remember where they were at when they
29 requested it?

30 P.O.VAN DYKE: They were around 40th and, 41st and one of the
31 K streets. I don't remember.
32

1 KILLEN: Okay. (clears throat) So uh so you and Officer
2 Walsh you leave the 7 Eleven parking lot
3 basically?
4 P.O.VAN DYKE: We were already on Pulaski.
5
6 KILLEN: Okay but you just left the park, you just left 7
7 Eleven?
8 P.O.VAN DYKE: Right.
9
10 KILLEN: Who's drivin'?
11 P.O.VAN DYKE: Joe Walsh.
12
13 KILLEN: Okay. So you immediately then go to say 40th and
14 whatever K street there, the 815 Robert were at?
15 P.O.VAN DYKE: Um yeah we were proceedin' southbound, yes.
16
17 KILLEN: Okay so you head toward --
18 P.O.VAN DYKE: I'm sorry northbound.
19
20 KILLEN: You see 'em north on Pulaski towards 40th Street?
21 P.O.VAN DYKE: Yes.
22
23 KILLEN: Okay. So you guys go lights and sirens?
24 P.O.VAN DYKE: Yes.
25
26 KILLEN: All right so you guys go straight from let's just
27 say from 7 Eleven to 40th and Pulaski that's where
28 you're headed?
29 P.O.VAN DYKE: Yes.
30
31 KILLEN: And what happens there?

1 P.O.VAN DYKE: Um once we get closer heard also over the
2 air that um subject, they're still askin' for a
3 taser and that the uh, the subject is armed uh
4 with a knife. And that he had just slashed one
5 of their tires.
6
7 KILLEN: So that's over the radio you hear all this
8 correct?
9 P.O.VAN DYKE: Yes.
10
11 KILLEN: All right. Do you carry a taser?
12 P.O.VAN DYKE: No I do not.
13
14 KILLEN: Does Officer Walsh?
15 P.O.VAN DYKE: I don't know that.
16
17 KILLEN: Okay.
18 P.O.VAN DYKE: That night I don't think he had one.
19
20 KILLEN: Okay. And Officer Walsh he would be your regular
21 partner correct?
22 P.O.VAN DYKE: No.
23
24 KILLEN: Okay oh you said he was.
25 P.O.VAN DYKE: Yes.
26
27 KILLEN: You really bounce around then.
28 P.O.VAN DYKE: Yes I do.
29
30 KILLEN: Okay. So you and Officer Walsh you get to 40th
31 and this is about Karlov is where this happens

1 at. Or starts off at Karlov and these guys and,
2 and toward Pulaski.
3 P.O.VAN DYKE: I yeah I don't know what K street it was. I
4 just --
5
6 KILLEN: No I'm, I'm tellin' ya.
7 P.O.VAN DYKE: Okay.
8
9 KILLEN: All right so, so you guys get to, so you get to
10 40th and Pulaski and what happens?
11 P.O.VAN DYKE: Um we, we head um westbound on 40th Street.
12 We're right there at the Burger King um he's
13 givin' out that the guy's runnin' eastbound
14 towards Pulaski um I'm sorry. One of the
15 officers of 815 Robert is givin' out a
16 description over the air that the offender's
17 runnin' eastbound towards Pulaski and he's at the
18 Burger King lot. Um I see Officer McElligott on
19 foot um approaching into the Burger King lot. I
20 see the offender running eastbound through the
21 Burger King parking lot.
22
23 KILLEN: Okay. Do you remember the description given out
24 over the radio of the offender?
25 P.O.VAN DYKE: No.
26
27 KILLEN: But when you see the guy runnin' through the
28 parkin' lot --
29 P.O.VAN DYKE: I see the guy runnin' through the parkin'
30 lot with the knife.
31

1 KILLEN: Okay. And as best you can describe to me what
2 that man looks like?

3 P.O.VAN DYKE: Uh he's a male black, braids. He had a
4 black jacket on and blue jeans.

5

6 KILLEN: And you saw 'em with a knife?

7 P.O.VAN DYKE: Yes I did in his right hand.

8

9 KILLEN: He's runnin', he, he's runnin' east through the
10 parking lot?

11 P.O.VAN DYKE: He's runnin' east and on a diagonal towards
12 the uh Burger King.

13

14 KILLEN: And when you see this where you at?

15 P.O.VAN DYKE: We're about getting, we're basically at the
16 mouth of the parking lot.

17

18 KILLEN: Burger King?

19 P.O.VAN DYKE: Yes.

20

21 KILLEN: What happens then? So you see this guy runnin'
22 and you see Officer McElligott on foot after 'em
23 correct?

24 P.O.VAN DYKE: Yes.

25

26 KILLEN: Okay and what happens?

27 P.O.VAN DYKE: We enter the parking lot. We kinda cut 'em
28 off from goin' into the Burger King. See another
29 squad car approaching on our left. And it looks
30 like we're going to be able to pin 'em in. He
31 continues running eastbound towards Pulaski. We
32 continue to follow him on to Pulaski and at that

1 point he starts running southbound on, in the
2 middle of Pulaski.
3
4 KILLEN: So at this point you have, you have neither of
5 you, you or Officer Walsh have exited the squad
6 car?
7 P.O.VAN DYKE: No.
8
9 KILLEN: Okay. So then when the offender runs south on
10 Pulaski you continue south after 'em?
11 P.O.VAN DYKE: Yes.
12
13 KILLEN: And what happens from there?
14 P.O.VAN DYKE: Um we get a lil bit closer to 'em because it
15 looks like he's tryin' to run towards the Dunkin'
16 Donuts cause he's continually makin' a beeline
17 towards the nearest um, nearest building. We cut
18 'em off again. There's another squad car
19 approaching and he diverts um back into the um
20 southbound lanes on Pulaski. And at that point
21 we go around the other squad cars and we get
22 ahead of 'em by about five or six car lengths.
23
24 KILLEN: Okay. And what you mean is you went, you went
25 further south on Pulaski right?
26 P.O.VAN DYKE: Yes we did.
27
28 KILLEN: The chase continued south on Pulaski?
29 P.O.VAN DYKE: Yes it did.
30
31 KILLEN: And so you get ahead of 'em?
32 P.O.VAN DYKE: Yes.

1
2 KILLEN: And what happens?
3 P.O.VAN DYKE: Um we parked the squad car kind of on an
4 angle in the middle of Pulaski so he can't keep
5 on running down the road.
6
7 KILLEN: Okay.
8 P.O.VAN DYKE: Um I exit the vehicle. Uh I see 'em runnin'
9 wavin' this knife with his right hand you know
10 under, it in an under position. I give 'em
11 verbal commands to drop the knife. I'm yellin' at
12 'em drop the knife.
13
14 KILLEN: Okay. When you guys, you park your car on
15 Pulaski correct?
16 P.O.VAN DYKE: I'm sorry?
17
18 KILLEN: The car, your car gets stopped on Pulaski?
19 P.O.VAN DYKE: Yes it does.
20
21 KILLEN: Is there traffic, is there regular traffic on
22 Pulaski at that point do you remember?
23 P.O.VAN DYKE: I don't remember really any being there.
24
25 KILLEN: Okay. And he's --
26 P.O.VAN DYKE: I'm focused on him.
27
28 KILLEN: Right I know. And he's still on Pulaski and he's
29 in the southbound lanes still runnin' south
30 though right?
31 P.O.VAN DYKE: Yes.
32

1 KILLEN: You said he was kinda makin' that beeline between
2 say Burger King and the Dunkin' Donuts on the
3 east side of Pulaski?
4 P.O.VAN DYKE: Correct.
5
6 KILLEN: So you, you stop. You get out, pistol drawn.
7 P.O.VAN DYKE: Yes.
8
9 KILLEN: And order 'em to put the knife down.
10 P.O.VAN DYKE: Yes I do.
11
12 KILLEN: And you say he's wavin' it at, as best you can
13 describe what you were doin' with your hand
14 there?
15 P.O.VAN DYKE: He's wavin' it in an, he's clenchin' it. Um
16 with the blade forward underneath and he's wavin'
17 it um from you know his right side towards his
18 left in an upward fashion.
19
20 KILLEN: Okay. Him doin' that make you think he was gonna
21 put the knife down?
22 P.O.VAN DYKE: No.
23
24 KILLEN: You took that to be a threatening --
25 P.O.VAN DYKE: Yeah he was wavin' it upwards --
26 REBHOLZ: Chest level.
27 P.O.VAN DYKE: -- yeah at my chest. Chest level.
28
29 KILLEN: As if he wanted to he could stab you?
30 P.O.VAN DYKE: Yes.
31

1 KILLEN: Okay. And how far, so you get out and he's doin'
2 this with the knife. How far are you from him at
3 this point if you guess?
4 P.O.VAN DYKE: I would say I was approximately ten to
5 fifteen feet away from him.
6
7 KILLEN: And he's facin' you?
8 P.O.VAN DYKE: He's, he's comin' towards me.
9
10 KILLEN: Okay. So he's closin' the distance between you
11 and him?
12 P.O.VAN DYKE: He is and I'm back pedalin'.
13
14 KILLEN: Okay and at that point what's between you and
15 him?
16 P.O.VAN DYKE: Nothing.
17
18 KILLEN: And what's behind you? Do you know?
19 P.O.VAN DYKE: I have no idea.
20
21 KILLEN: Do you know where Officer Walsh was at at this
22 time?
23 P.O.VAN DYKE: I have no idea.
24
25 KILLEN: All right what about any other officers. Did you
26 see them too?
27 P.O.VAN DYKE: I saw some squad cars approaching from the
28 um the north. Um that's about it.
29
30 KILLEN: Okay. And I know you said it before, I'm gonna
31 assume your attention is focused on the man with
32 the knife.

1 P.O.VAN DYKE: Yes.

2

3 KILLEN: Okay. And he's closin' the distance between you
4 and him and you're back pedal in' did you say?

5 P.O.VAN DYKE: Yes I am.

6

7 KILLEN: Is he runnin' toward you?

8 P.O.VAN DYKE: He's walkin' really fast almost like ah
9 almost like a jog I think.

10

11 KILLEN: Okay. And that's when he's doin' the wavin' with
12 the knife?

13 P.O.VAN DYKE: Yes.

14

15 KILLEN: And what, what happens? So he's closin' the
16 distance. You're back pedal in' and what happens?

17 P.O.VAN DYKE: He's gettin', he's gettin' closer to me. I
18 could see that there's nobody to my right.
19 There's nothin' in front a me. There's nothin'
20 to my left. I keep on orderin' 'em drop the
21 knife, drop the knife, drop the knife. He
22 doesn't drop the knife. He's still wavin' the
23 knife at me. I'm thinkin' he's, he's goin' do
24 somethin' to me.

25

26 KILLEN: And whaddid you think was he was gonna do?

27 P.O.VAN DYKE: I think he's going to try and take my life
28 away from me.

29

30 KILLEN: And what happens?

31 P.O.VAN DYKE: I shoot 'em.

32

1 KILLEN: Okay. Do you know how many times you fired?
2 P.O.VAN DYKE: I shot 16 rounds.
3
4 KILLEN: You know that now?
5 P.O.VAN DYKE: I know that because my weapon went into
6 slide lock.
7
8 KILLEN: Oh so at the moment, at the time you knew that,
9 you were aware of that?
10 P.O.VAN DYKE: Yes.
11
12 KILLEN: Okay. And so when your pistol goes into slide
13 lock do you think, do you know that you emptied
14 the clip or do you think like it's a malfunction?
15 P.O.VAN DYKE: I know I emptied the magazine.
16
17 KILLEN: Okay. So you weren't afraid of a malfunction?
18 P.O.VAN DYKE: No.
19
20 KILLEN: And whadda you do? So the slide locks and whadda
21 you do with your pistol?
22 P.O.VAN DYKE: I did a tactical reload.
23
24 KILLEN: Okay. And do you fire again?
25 P.O.VAN DYKE: No I do not.
26
27 KILLEN: Why not?
28 P.O.VAN DYKE: Um I felt that the threat was eliminated.
29 Um my partner, Officer Walsh said Jason back up I
30 have this. Um I covered him while he approached
31 and kicked the knife outta the offender's hand.
32

1 KILLEN: Okay and when you say the threat's been
2 eliminated, why is the threat eliminated?
3 P.O.VAN DYKE: Um the subject was now layin' on the ground.
4 Um he wasn't makin' any efforts to get up.
5
6 KILLEN: And Officer Walsh had to kick the knife from his
7 hand?
8 P.O.VAN DYKE: Yes he had to forcefully kick the knife out
9 of his hand.
10
11 KILLEN: So the offender falls to the ground and he's
12 still got the knife?
13 P.O.VAN DYKE: He still has the knife. He's you know we're
14 still yellin' at 'em drop the knife.
15
16 KILLEN: Okay. So then Officer Walsh tells you to back
17 up, he's got this.
18 P.O.VAN DYKE: Right.
19
20 KILLEN: He approaches the offender.
21 P.O.VAN DYKE: He approaches the offender and he, he kicks
22 it out of his hand.
23
24 KILLEN: And that whole time you're what the cover officer
25 at that point?
26 P.O.VAN DYKE: Yes.
27
28 KILLEN: Okay so and do you know what happens right after
29 that then?
30 P.O.VAN DYKE: After that um Officer Walsh gets over the
31 air and um says shots fired by the police. I
32 remember shouting we need an ambulance. Um I, I

1 think I keyed it up over the radio. I don't
2 remember if I did or did not, but I shouted we
3 need an ambulance.
4
5 KILLEN: All right and then that's when all the other
6 officers start runnin' up, gettin' there correct?
7 P.O.VAN DYKE: Yes.
8
9 KILLEN: Okay. All right. At any time did you, did you
10 handle that knife?
11 P.O.VAN DYKE: No I did not.
12
13 KILLEN: So Officer Walsh kicks it as it remains on the
14 ground?
15 P.O.VAN DYKE: Yes.
16
17 KILLEN: Are you aware of any officer pickin' it up or
18 touching or handlin' it in any way?
19 P.O.VAN DYKE: No I think it was just the um the crime lab
20 recovered it.
21
22 KILLEN: Okay. So where they recovered it as far as you
23 know is where it laid the entire time?
24 P.O.VAN DYKE: Yes.
25
26 KILLEN: Okay. And then just goin' back to when you
27 discharged your firearm, do you remember, were
28 you, were you standing still when you fired or
29 were you movin'?
30 P.O.VAN DYKE: I think I was moving.
31

1 KILLEN: Do you think, do you think you were still movin'
2 backwards?
3 P.O.VAN DYKE: Yes.
4
5 KILLEN: Okay. Do you remember how you held the pistol?
6 P.O.VAN DYKE: Yes.
7
8 KILLEN: How?
9 P.O.VAN DYKE: Held it in front of me. Um two hands.
10
11 KILLEN: Are you right handed or left handed?
12 P.O.VAN DYKE: I'm right handed.
13
14 KILLEN: All right so your right hand dominant.
15 P.O.VAN DYKE: Yes.
16
17 KILLEN: So your left hand was for support?
18 P.O.VAN DYKE: Yes.
19
20 KILLEN: Is that what you're doin'. And do you use
21 sights?
22 P.O.VAN DYKE: No I do not.
23
24 KILLEN: Okay. Before I forget what kinda pistol did you
25 have?
26 P.O.VAN DYKE: Um it's was a Smith & Wesson um 5943 9
27 millimeter.
28
29 KILLEN: It was fully loaded?
30 P.O.VAN DYKE: Yes it was.
31
32 KILLEN: So what's that 15?

1 P.O.VAN DYKE: 15 plus one.
2
3 KILLEN: Okay. All right at the time did you have any
4 other firearm on you?
5 P.O.VAN DYKE: No I did not.
6
7 KILLEN: Do you own any other firearms?
8 P.O.VAN DYKE: Yes I do.
9
10 KILLEN: What do you own?
11 P.O.VAN DYKE: I own a um a Chief Special 38 Revolver.
12
13 KILLEN: That's it?
14 P.O.VAN DYKE: That's it.
15
16 KILLEN: Okay. All right. So you, you, you're fully
17 loaded. 16 rounds fired. Slide lock, you do
18 tactical reload but you don't fire again?
19 P.O.VAN DYKE: I do not.
20
21 KILLEN: All right so then when, when your weapon is
22 recovered by the crime lab, that's what they got,
23 they got the reloaded firearm?
24 P.O.VAN DYKE: Yes sir.
25
26 KILLEN: So the clip is 15?
27 P.O.VAN DYKE: I'm sorry?
28
29 KILLEN: Did you put one in the chamber and then 15 or is
30 the 15 from the clip?
31 P.O.VAN DYKE: 15 from the magazine.
32

1 KILLEN: Okay. All right. And you weren't injured at all
2 correct?

3 P.O.VAN DYKE: No sir.
4

5 KILLEN: To the best of your recollection can you estimate
6 how close you were when, or how close you and the
7 offender were to each other when you fired your
8 weapon at 'em?

9 P.O.VAN DYKE: I would say it was approximately 10 to 15
10 feet.
11

12 KILLEN: Okay. All right. And as far as you were, you're
13 the only police officer that fired correct?

14 P.O.VAN DYKE: Yes sir.
15

16 KILLEN: Okay. All right. Is there anything you'd like
17 to add?

18 P.O.VAN DYKE: No sir.
19

20 KILLEN: Everything you told me is a true and accurate
21 account of what occurred?

22 P.O.VAN DYKE: Yes sir.
23

24 KILLEN: All right this will conclude the audio recorded
25 interview of Officer Jason Van Dyke regarding Log
26 number 1072125 U number 14 dash 36. Today's the
27 22nd of October 2014. The time's approximately
28 1206 hours.

1

2

3

4

5

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10

11

12

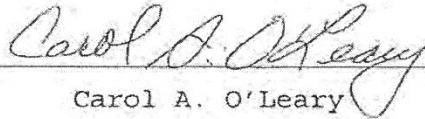
13

14

15

16

I, CAROL A. O'LEARY, do hereby certify or affirm that
I have impartially transcribed the foregoing from an audio
recording of the above-mentioned proceeding to the best of
my ability.


Carol A. O'Leary

3510 S. Michigan Avenue, Chicago, Illinois 60653
(For use by Chicago Police - Bureau of Investigative Services Personnel Only)

Case id : 9825613
Sup ID : 10992767 CASR301

THIS IS A FIELD INVESTIGATION EXC. CLEARED CLOSED (OTHER EXCEPTIONAL) REPORT

HX475653

VAN DYKE, Jason D -----

stated he was a Chicago Police Officer assigned to the 008th District. He was on duty, in uniform, working on Beat 845R. VAN DYKE was working with Police Officer Joseph WALSH. The two officers were assigned to Chicago Police Department vehicle number 6412, a marked Chevrolet Tahoe, four door sport utility vehicle. WALSH was driving the vehicle and VAN DYKE was the passenger.

The two officers responded to a request for assistance from Beat 815R, regarding a man with a knife, on 40th Street, west of Pulaski Road. A unit equipped with a taser had also been requested. Officer VAN DYKE heard the radio transmission when Officer Thomas GAFFNEY said the man with a knife had "popped" the tire of GAFFNEY's police vehicle. VAN DYKE understood this to mean the subject had slashed the tire with his knife. As Officer WALSH drove westbound on 40th Street from Pulaski, VAN DYKE observed a black male subject, now known as Laquan MCDONALD, running eastbound in the parking lot of the Burger King restaurant on the southwest corner of 40 Street and Pulaski. MCDONALD was holding a knife in his right hand. VAN DYKE saw Police Officer Joseph MCELLIGOTT pursuing MCDONALD on foot. VAN DYKE also saw a civilian who was standing on 40th Street pointing to MCDONALD.

Officer WALSH drove eastbound in the parking lot, in pursuit of MCDONALD, on the north side of the Burger King restaurant building. WALSH used the police vehicle to block MCDONALD from entering the restaurant. MCDONALD ran out onto Pulaski Road and then turned southbound, running toward a Dunkin' Donuts restaurant, on the east side of Pulaski, south of the Burger King. WALSH positioned the police vehicle between MCDONALD and the Dunkin' Donuts to block his path towards that restaurant. When WALSH slowed the police vehicle alongside MCDONALD, Officer VAN DYKE opened the right front door of the vehicle to exit and confront MCDONALD. WALSH told VAN DYKE to stay in the vehicle as they were too close to MCDONALD to safely exit their vehicle. WALSH drove on southbound and stopped the police vehicle ahead of MCDONALD.

Officer VAN DYKE exited the vehicle on the right side and drew his handgun. As VAN DYKE stood in the street on Pulaski, facing northbound, toward MCDONALD, MCDONALD approached southbound. MCDONALD was holding the knife in his right hand, in an underhand grip, with the blade pointed forward. He was swinging the knife in an aggressive, exaggerated manner. VAN DYKE ordered MCDONALD to "Drop the knife!" multiple times. MCDONALD ignored VAN DYKE's verbal direction to drop the knife and continued to advance toward VAN DYKE.

When MCDONALD got to within 10 to 15 feet of Officer VAN DYKE, MCDONALD looked toward VAN DYKE. MCDONALD raised the knife across his chest and over his shoulder, pointing the knife at VAN DYKE. VAN DYKE believed MCDONALD was attacking VAN DYKE with the knife, and attempting to kill VAN DYKE. In defense of his life, VAN DYKE backpedaled and fired his handgun at MCDONALD, to stop the attack. MCDONALD fell to the ground but continued to move and continued to grasp the knife, refusing to let go of it. VAN DYKE continued to fire his weapon at MCDONALD as MCDONALD was on the ground, as MCDONALD appeared to be attempting to get up, all the while continuing to point the knife at VAN DYKE. The slide on VAN DYKE's pistol locked in the rearward position, indicating the weapon was empty. VAN DYKE performed a tactical reload of his pistol with a new magazine and then assessed the situation.

MCDONALD was no longer moving and the threat had been mitigated, so Officer VAN DYKE and Officer WALSH approached MCDONALD. MCDONALD was still holding the knife in his right hand. VAN DYKE continued to order MCDONALD to "Drop the knife!" Officer WALSH told VAN DYKE, "I have this." VAN DYKE then used his handgun to cover WALSH as WALSH walked up and forcibly kicked the knife out of MCDONALD's right hand, thereby eliminating the threat to the officers.

Officer WALSH then notified the dispatcher on the police radio that shots had been fired by the police. Officer VAN DYKE requested an ambulance for MCDONALD on the radio.

Officer VAN DYKE's weapon was a Smith and Wesson, nine millimeter, semi-automatic pistol, with a 15 round magazine. VAN DYKE said the pistol was fully loaded at the beginning of his tour of duty, with 15 cartridges in the magazine and one cartridge in the firing chamber.

It was noted that the uniform Officer VAN DYKE was wearing consisted of a light blue long sleeve uniform shirt, with shoulder patches; black body armor vest, with patches; navy blue cargo pants; and equipment belt with handgun and radio.

The reporting detective then interviewed Officer VAN DYKE's partner.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CASE SUPPLEMENTARY REPORT

(For use by Chicago Police - Bureau of Investigative Services Personnel Only)

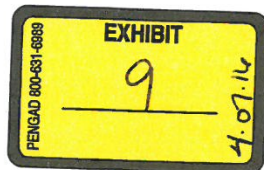
HX475653

Case id : 9825613
Sup ID : 10992767 CASR301

EXC. CLEARED CLOSED (OTHER EXCEPTIONAL)				DETECTIVE SUP. APPROVAL COMPLETE			
Last Offense Classification/Re-Classification		IUCR Code		Original Offense Classification		IUCR Code	
ASSAULT / Aggravated Po:Knife/Cut Instr		0552		ASSAULT / Aggravated Po:Knife/Cut Instr		0552	
Address of Occurrence		Beat of Occur		No of Victims		No of Offenders	
4112 S PULASKI RD		815		4		1	
Location Type		Location Code		Secondary Location		Hate Crime?	
Street		304				NO	
Date of Occurrence		Unit Assigned		Date RO Arrived		Fire Related?	
20-OCT-2014 21:57		0841R		20-OCT-2014 21:57		NO	
						Gang Related?	
						Domestic Related?	
						NO	
Reporting Officer		Star No		Approving Supervisor		Star No	
MARCH, David		20563		WOJCIK, Anthony		481	
Date Submitted		Date Approved		Primary Detective Assigned		Star No	
15-MAR-2015 18:26		16-MAR-2015 00:03		MARCH, David		20563	
				Assignment Type			
				FIELD			

THIS IS A FIELD INVESTIGATION EXC. CLEARED CLOSED (OTHER EXCEPTIONAL) REPORT

HX475653



Officer Jason VAN DYKE was re-interviewed for additional detail, in the Area Central office.

VAN DYKE, Jason D -----

related the same sequence of events as documented in his original interview at the scene of this incident.

VAN DYKE additionally articulated the reasoning behind his decision to use deadly force against the offender in this incident, Laquan MCDONALD. VAN DYKE was aware of the radio transmissions from Officer Thomas GAFFNEY, on Beat 815R, that MCDONALD was armed with a knife. VAN DYKE was aware that MCDONALD had attacked the officers on Beat 815R by slashing the tire of their police vehicle.

As he confronted MCDONALD at 4112 South Pulaski Road, VAN DYKE saw that MCDONALD was in fact, armed with a knife, a deadly weapon. VAN DYKE was aware of the widely accepted teaching in law enforcement that an assailant armed with a knife was considered a deadly threat, if within 21 feet, because it was possible for such an assailant to close that distance and attack with the knife before a defensive shot could be fired from a handgun. VAN DYKE was also aware of the existence of throwing knives, which can be thrown from a distance, as well as spring loaded knives, which propel a blade through the air from the knife handle. VAN DYKE also said he recalled a previously issued Chicago Police Department bulletin warning of a weapon which appeared to be a knife but which actually was capable of firing a bullet, making it a firearm.

Subsequently, a search was conducted of the Chicago Police Department, Automated Message Center, to find the bulletin Officer Jason VAN DYKE remembered, regarding the weapon that appeared to be a knife, but was actually a firearm. This bulletin was issued on 04 December 2012. It was Officer Safety Alert number 2012-OSA-297. It was a warning regarding a "revolver knife" which was capable of firing .22 caliber cartridges.

[REDACTED]

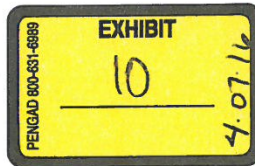
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



GENERAL PROGRESS REPORT
DETECTIVE DIVISION/CHICAGO POLICE

DATE OF ORIG. CASE REPORT DATE OF THIS REPORT
DAY MONTH YEAR DAY MONTH YEAR WATCH

20 OCT 2014 20 OCT 2014 3

OFFENSE CLASSIFICATION—LAST PREVIOUS REPORT VICTIM'S NAME AS SHOWN ON CASE REPORT BEAT/UNIT ASSIGNED
0552 VAN DYKE 5121

This form is designed for recording handwritten notes and memoranda which are made during the conduct of investigations, including: inter-watch memoranda (handwritten or typewritten), witness and suspect interview notes, on-scene canvas notes, and any handwritten personal notes made by detectives during the field investigation of violent crimes which are used to prepare official Department case reports.

J VAN DYKE

P 1 OF 3

RESPONDED TO 815A REQUEST FOR ASSIST
MAN W/KNIFE 40TH W OF PULASKI.

TASER REQUESTED.

HEARD GAFNEY — O "POPPED" TIRE ON RADIO.

VD = O SLASHED TIRE W/KNIFE

W/B ON 40TH SAW O = M/B.

RUNNING E/B IN BK LOT.

KNIFE IN R HAND.

McELIGOTT PURSUING ON FOOT.

CIVILIAN ON 40TH POINTING TO O.

WASHT DROVE E/B INTO LOT IN PURSUIT.

N SIDE OF BK.

USED VEHICLE TO BLOCK O FROM BK.

O RAN OUT ONTO PULASKI, THEN S/R.

TOWARD DD

WASHT KEPT VEH BETWEEN O + DD

VD OPENED DOOR TO EXIT + CONFRONT O.

WASHT — NO, TOO CLOSE.

DROVE FURTHER S.

STOPPED AHEAD OF O

REPORTING OFFICER'S SIGNATURE—STAR NO.

Daniel [Signature] 20523

RECEIVED BY: SUPERVISOR'S SIGNATURE—STAR NO.

[Signature] 1130

DAY—MO.—YR. TIME

1 1 1

R.D.
NO.

HX425653

GENERAL PROGRESS REPORT
DETECTIVE DIVISION/CHICAGO POLICE

DATE OF ORIG. CASE REPORT
DAY MONTH YEAR

20 OCT 2014

DATE OF THIS REPORT
DAY MONTH YEAR WATCH

20 OCT 2014 3

OFFENSE CLASSIFICATION—LAST PREVIOUS REPORT VICTIM'S NAME AS SHOWN ON CASE REPORT

0552

VAN DYKE

BEAT/UNIT ASSIGNED

5121

This form is designed for recording handwritten notes and memoranda which are made during the conduct of investigations, including: inter-watch memoranda (handwritten or typewritten), witness and suspect interview notes, on-scene canvas notes, and any handwritten personal notes made by detectives during the field investigation of violent crimes which are used to prepare official Department case reports.

J VAN DYKE

P 2 OF 3

VD EXITED VEH. DREW HANDGUN

STOOD IN ST, FACING N/B, TOWARD O

O COMING S/B

KNIFE IN R HAND, UNDER HAND GRIP, BLADE FORWARD

SWINGING KNIFE IN AGGRESSIVE, EXAGGERATED MANNER

VD = "DROP THE KNIFE!" MULTIPLE TIMES

O IGNORED DIRECTIONS. CONTINUED TO ADVANCE

WHEN O WITHIN 10-15 FT, LOOKED AT VD

RAISED KNIFE ACROSS CHEST, OVER SHOULDER

POINTED KNIFE AT VD

VD BELIEVED O WAS ATTACKING W/KNIFE

TRYING TO KILL VD

IN DEFENSE OF HIS LIFE VD BACKED UP + GRAB

O FELL TO GROUND, CONTINUED TO MOVE/GRASP KNIFE

VD CONTINUED FIRING. O APPEARED TO BE

ATTEMPTING TO GET UP, STILL HOLDING KNIFE.

POINTING AT VD

SLIDE ON PISTOL LOCKED - WEAPON EMPTY

TACTICAL RELOAD

ASSESSED

R.D. NO.

HX475653

REPORTING OFFICER'S SIGNATURE—STAR NO.

20563

RECEIVED BY: SUPERVISOR'S SIGNATURE—STAR NO.

DAY—MO.—YR. TIME

GENERAL PROGRESS REPORT
DETECTIVE DIVISION/CHICAGO POLICE

DATE OF ORIG. CASE REPORT DATE OF THIS REPORT
DAY MONTH YEAR DAY MONTH YEAR WATCH

20 OCT 2014 20 OCT 2014 3

OFFENSE CLASSIFICATION—LAST PREVIOUS REPORT VICTIM'S NAME AS SHOWN ON CASE REPORT BEAT/UNIT ASSIGNED
0552 VAN DYKE 5124

This form is designed for recording handwritten notes and memoranda which are made during the conduct of investigations, including: inter-watch memoranda (handwritten or typewritten), witness and suspect interview notes, on-scene canvas notes, and any handwritten personal notes made by detectives during the field investigation of violent crimes which are used to prepare official Department case reports.

J VAN DYKE P 3 OF 3

O NO LONGER MOVING. THREAT MITIGATED

VD + WALSH APPROACHED O

STILL HOLDING KNIFE IN R HAND

VD CONTINUED, "POD THE KNIFE!"

WALSH = "I HAVE THIS."

VD COVERED WALSH AS WALSH WALKED UP TO O

FORCIBLY KICKED KNIFE FROM O'S HAND

THREAT ELIMINATED

WALSH = "SHOTS FIRED BY POLICE" ON RADIO

VD = REQUESTED AMBULANCE

R.D. NO.

4X425653

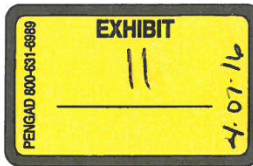
REPORTING OFFICER'S SIGNATURE—STAR NO.

20563

RECEIVED BY: SUPERVISOR'S SIGNATURE—STAR NO.

123

DAY—MO.—YR. TIME



GENERAL PROGRESS REPORT
DETECTIVE DIVISION/CHICAGO POLICE

DATE OF ORIG. CASE REPORT DATE OF THIS REPORT
DAY MONTH YEAR DAY MONTH YEAR WATCH

20 OCT 2014 21 OCT 2014 1

OFFENSE CLASSIFICATION—LAST PREVIOUS REPORT VICTIM'S NAME AS SHOWN ON CASE REPORT BEAT/UNIT ASSIGNED
0552 GAFFNEY 5121

This form is designed for recording handwritten notes and memoranda which are made during the conduct of investigations, including: inter-watch memoranda (handwritten or typewritten), witness and suspect interview notes, on-scene canvas notes, and any handwritten personal notes made by detectives during the field investigation of violent crimes which are used to prepare official Department case reports.

J VAN DYKE (610)

SAME DETAILS

ADDED:

AWARE OF RADIO TRANSMISSIONS (GAFFNEY)

o ARMED w/ KNIFE

o ATTACKED BUS—SLANTED TIRE

AWARE OF — 21' RULE

THROWING KNIVES

SPRING LOADED KNIFE

PREVIOUS BULLETIN

KNIFE ACTUALLY FIRES BULLET

OFFICER SAFETY ALERT # 2012-OSA-297
04 DEC 2012

R.D. NO.

HX47653

REPORTING OFFICER'S SIGNATURE—STAR NO.

Paul [Signature] 2062

RECEIVED BY: SUPERVISOR'S SIGNATURE—STAR NO.

[Signature] 133

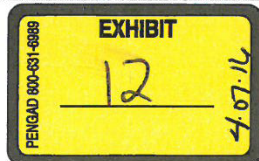
DAY—MO.—YR. TIME

CPD-23.122 (Rev. 2/83)

TACTICAL RESPONSE REPORT/Chicago Police Department

1. DATE OF INCIDENT 20-OCT-2014		TIME 21:57:00		2. ADDRESS OF OCCURRENCE 4112 S PULASKI RD CHICAGO, IL 60632		3. LOCATION CODE 304		4. BEAT/OCCUR 0815																																													
MEMBER INVOLVED	5. POSITION 9161	6. LAST NAME VAN DYKE	7. FIRST NAME JASON D	8. STAR NO. 9465	9. SEX <input checked="" type="checkbox"/> 01 M <input type="checkbox"/> 02 F	10. RACE CODE WHI	11. AGE [REDACTED]	12. HT. 602	13. WT. 180																																												
	14. DATE OF APPT. 25-JUN-2001	15. EMPLOYEE NO. [REDACTED]	16. UNIT & BEAT OF ASSIGNMENT 008 0845R	17. DUTY STATUS <input checked="" type="checkbox"/> 01 On <input type="checkbox"/> 02 Off	18. MEMBER INJURED? <input checked="" type="checkbox"/> 01 Yes <input type="checkbox"/> 02 No	19. MEMBER IN UNIFORM? <input checked="" type="checkbox"/> 01 Yes <input type="checkbox"/> 02 No																																															
	20. LAST NAME MCDONALD	21. FIRST NAME LEQUAN	22. M.I. [REDACTED]	23. SEX <input checked="" type="checkbox"/> 01 M <input type="checkbox"/> 02 F	24. RACE BLK	25. D.O.B. 25-SEP-1997	26. HT. 601	27. WT. 185																																													
SUBJECT INFORMATION	28. ADDRESS [REDACTED]	29. TELEPHONE NO. [REDACTED]	30. WAS SUBJECT ARMED? KNIFE/OTHER CUTTING INSTRUMENT, OTHER (SPECIFY) <input checked="" type="checkbox"/> 01 Yes <input type="checkbox"/> 02 No	31. SUBJECT INJURED? <input checked="" type="checkbox"/> 01 Yes <input type="checkbox"/> 02 No	32. SUBJECT ALLEGED INJURY? <input type="checkbox"/> 01 Yes <input checked="" type="checkbox"/> 02 No																																																
	33. WHERE WAS MEDICAL TREATMENT OBTAINED? MOUNT SINAI HOSPITAL	34. BY WHOM? DR. PITZEL	35. CONDITION <input checked="" type="checkbox"/> 01 Apparently Normal <input type="checkbox"/> 02 Under Influence <input type="checkbox"/> 03 Hospitalized <input type="checkbox"/> 04 Not Hospitalized <input type="checkbox"/> 05 Refused Medical Aid																																																		
	36. CHARGES PLACED [REDACTED]	37. CB NO. [REDACTED]	IR NO. [REDACTED]																																																		
REASON FOR USE OF FORCE (Check all that apply)	38. DNA <input type="checkbox"/>		<table border="1"> <thead> <tr> <th>PASSIVE RESISTER</th> <th>ACTIVE RESISTER</th> <th>ASSAILANT: ASSAULT</th> <th>ASSAILANT: BATTERY</th> <th>ASSAILANT: DEADLY FORCE</th> </tr> </thead> <tbody> <tr> <td>DID NOT FOLLOW VERBAL DIRECTION <input checked="" type="checkbox"/></td> <td>FLED <input type="checkbox"/></td> <td>IMMINENT THREAT OF BATTERY <input checked="" type="checkbox"/></td> <td>ATTACK WITH WEAPON <input checked="" type="checkbox"/></td> <td>USES FORCE LIKELY TO CAUSE DEATH OR GREAT BODILY HARM <input checked="" type="checkbox"/></td> </tr> <tr> <td>STIFFENED (DEAD WEIGHT) <input type="checkbox"/></td> <td>PULLED AWAY <input type="checkbox"/></td> <td>OTHER <input type="checkbox"/></td> <td>ATTACK WITHOUT WEAPON <input type="checkbox"/></td> <td>WEAPON <input checked="" type="checkbox"/></td> </tr> <tr> <td>OTHER <input type="checkbox"/></td> <td>OTHER <input type="checkbox"/></td> <td>OTHER <input type="checkbox"/></td> <td>OTHER <input type="checkbox"/></td> <td>OTHER <input type="checkbox"/></td> </tr> </tbody> </table>							PASSIVE RESISTER	ACTIVE RESISTER	ASSAILANT: ASSAULT	ASSAILANT: BATTERY	ASSAILANT: DEADLY FORCE	DID NOT FOLLOW VERBAL DIRECTION <input checked="" type="checkbox"/>	FLED <input type="checkbox"/>	IMMINENT THREAT OF BATTERY <input checked="" type="checkbox"/>	ATTACK WITH WEAPON <input checked="" type="checkbox"/>	USES FORCE LIKELY TO CAUSE DEATH OR GREAT BODILY HARM <input checked="" type="checkbox"/>	STIFFENED (DEAD WEIGHT) <input type="checkbox"/>	PULLED AWAY <input type="checkbox"/>	OTHER <input type="checkbox"/>	ATTACK WITHOUT WEAPON <input type="checkbox"/>	WEAPON <input checked="" type="checkbox"/>	OTHER <input type="checkbox"/>	OTHER <input type="checkbox"/>	OTHER <input type="checkbox"/>	OTHER <input type="checkbox"/>	OTHER <input type="checkbox"/>																								
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OTHER <input type="checkbox"/>	OTHER <input type="checkbox"/>																																																				
39. DNA <input type="checkbox"/>			40. ADDITIONAL INFORMATION OFFENDER'S WEAPON WAS A KNIFE IN HIS HAND.																																																		
WEAPON DISCHARGE INCIDENT	POSITION		STAR NO.	UNIT	41. WEAPON TYPE <input checked="" type="checkbox"/> 01 REVOLVER <input type="checkbox"/> 02 RIFLE <input type="checkbox"/> 03 SHOTGUN <input checked="" type="checkbox"/> 04 SEMI-AUTO PISTOL <input type="checkbox"/> 05 CHEMICAL WEAPON <input type="checkbox"/> 06 TASER (Probe Discharge) <input type="checkbox"/> 07 OTHER																																																
	42. INCIDENT OCCURRED <input type="checkbox"/> Indoors <input checked="" type="checkbox"/> Outdoors		43. LIGHTING CONDITIONS <input type="checkbox"/> 01 Daylight <input type="checkbox"/> 02 Night <input type="checkbox"/> 03 Dawn <input type="checkbox"/> 04 Dusk <input checked="" type="checkbox"/> 05 Poor Artificial <input checked="" type="checkbox"/> 06 Good Artificial		44. WEATHER CONDITIONS CLEAR																																																
	45. MAKE/MANUFACTURER SMITH & WESSON -US- (BODYGUARD/CHIEF SPECIAL)		46. MODEL 5943	47. BARREL LENGTH 5	48. CALIBER/GAUGE 9 MM																																																
	49. TASER DART ID NO.	50. WEAPON SERIAL NO. (Include Letters) TDU5969	51. CHICAGO GUN REG. NO. 628361	52. IL FIREARM OWNER ID. NO. 95380037	53. HANDGUN CERTIFICATE NO.																																																
	54. SPECIAL WEAPON CERTIFICATE NO.	55. PROPERTY INVENTORY NO.	56. TYPE OF AMMUNITION USED Department Issued	57. NO. OF WEAPONS DISCHARGED BY THIS MEMBER 1	58. TOTAL NO. OF SHOTS MEMBER FIRED 16																																																
	59. WHO FIRED FIRST SHOT <input type="checkbox"/> 03 OTHER (Specify) <input checked="" type="checkbox"/> 01 MEMBER <input type="checkbox"/> 02 OFFENDER		60. WAS FIREARM RELOADED DURING INCIDENT <input checked="" type="checkbox"/> 01 YES <input type="checkbox"/> 02 NO		61. NO. OF CARTRIDGES/SHOT SHELLS RELOADED 15		62. HOW WAS MEMBER'S HANDGUN WORN <input type="checkbox"/> 03 OTHER (Specify) <input checked="" type="checkbox"/> 01 RT. SIDE (WAIST) <input type="checkbox"/> 02 LT. SIDE (WAIST)																																														
	63. HOW WAS MEMBER'S HANDGUN DRAWN <input type="checkbox"/> 03 OTHER (Specify) <input checked="" type="checkbox"/> 01 STRONG SIDE DRAW <input type="checkbox"/> 02 CROSS DRAW		64. SPECIFY METHOD/EQUIPMENT USED TO RELOAD BY MAGAZINE				65. DID MEMBER USE SIGHTS <input type="checkbox"/> 01 YES <input checked="" type="checkbox"/> 02 NO																																														
	66. DESCRIBE PROTECTIVE COVER USED (LIGHT POLES, DOORWAYS, CAR, FURNITURE, ETC) NONE		67. DISTANCE BETWEEN INVOLVED MEMBER & OFFENDER WHEN FIRST SHOT WAS FIRED <input type="checkbox"/> 01 0 - 05 FT. <input type="checkbox"/> 02 05 - 10 FT. <input checked="" type="checkbox"/> 03 10 - 15 FT. <input type="checkbox"/> 04 OVER 15 FT.																																																		
	68. PERSON/OBJECT STRUCK AS RESULT OF THE DISCHARGE OF MEMBER'S WEAPON <input checked="" type="checkbox"/> 01 PERSON <input type="checkbox"/> 02 OBJECT <input type="checkbox"/> 03 BOTH <input type="checkbox"/> 04 UNKNOWN		69. POSITION OF MEMBER DISCHARGING WEAPON <input checked="" type="checkbox"/> 01 STANDING <input type="checkbox"/> 02 LYING DOWN <input type="checkbox"/> 03 SITTING <input type="checkbox"/> 04 KNEELING <input type="checkbox"/> 05 OTHER (SPECIFY)																																																		
	70. EVENT NO. 1429315878																																																				
CASE INFO.	71. R.O. NO. HX475653																																																				
	72. NOTIFICATIONS (OC OR TASER INCIDENT): <input type="checkbox"/> OEMC <input type="checkbox"/> DSS & LT./DIST. OF OCCUR. <input type="checkbox"/> CPIC NOTIFICATIONS (FIREARM INCIDENT): <input checked="" type="checkbox"/> OEMC <input checked="" type="checkbox"/> DSS/DIST. OF OCCUR & OCIC <input checked="" type="checkbox"/> CPIC <input checked="" type="checkbox"/> DET. DIV. Members will ensure that all required notifications and all witnesses to this use of force are documented in the appropriate case report.																																																				
SIGNATURES	73. REPORTING MEMBER (Print Name) VAN DYKE, JASON D		STAR/EMPLOYEE NO. 9465 4844	SIGNATURE [REDACTED]																																																	
	74. REVIEWING SUPERVISOR (Print Name) FRANKO, STEPHEN D STAR NO. 1381 DATE REVIEWED 21-OCT-2014 04:44:58 TIME [REDACTED]																																																				

PD-11.377 (REV. 10/07)



LIEUTENANT OR ABOVE/OCIC REVIEW

THE ON-CALL INCIDENT COMMANDER (OCIC) WILL COMPLETE THE REVIEW SECTION FOR 1.) ALL INCIDENTS INVOLVING THE DISCHARGE OF A FIREARM BY A DEPARTMENT MEMBER, 2.) ALL INCIDENTS INVOLVING THE SERIOUS INJURY OR DEATH OF A MEMBER OF THE PUBLIC SUBSEQUENT TO INTERACTIONS WITH A DEPARTMENT MEMBER, 3.) ANY LESSER USE OF FORCE BY A DEPARTMENT MEMBER WHEN THAT USE OF FORCE STEMS FROM THE SAME INCIDENT DESCRIBED HERE IN 1 OR 2.

THE ASSIGNED INVESTIGATING SUPERVISOR THE RANK OF LIEUTENANT OR ABOVE FROM THE DISTRICT OF OCCURRENCE WILL COMPLETE THE REVIEW SECTION FOR ALL OTHER INCIDENTS.

75. SUBJECT'S STATEMENT REGARDING THE USE OF FORCE

☐ DNA

☐ REFUSED

☒ UNABLE TO INTERVIEW (Specify Reason)

Subject is deceased.

76. LIEUTENANT OR ABOVE/OCIC RATIONALE FOR BOX 77 FINDING

Based upon information available at the time of this report it is the preliminary determination of the undersigned that Officer Van Dyke fired his weapon in compliance with Department policy. Officer Van Dyke fired his weapon in fear of his life when the offender while armed with a knife continued to approach and refused all verbal direction.

77. LIEUTENANT OR ABOVE/OCIC FINDING BASED UPON CURRENTLY AVAILABLE INFORMATION:

☒ I HAVE CONCLUDED THAT THE MEMBER'S ACTIONS WERE IN COMPLIANCE WITH DEPARTMENT PROCEDURES AND DIRECTIVES.

☐ I HAVE CONCLUDED THAT FURTHER INVESTIGATION IS REQUIRED.

LOG NO./CRNO. 1072125 OBTAINED

78. LIEUTENANT OR ABOVE/OCIC (Print Name)

MC NAUGHTON, DAVID R

SIGNATURE

[Redacted Signature]

DATE COMPLETED

TIME

21-OCT-2014 04:58:37

79. DISTRIBUTION OF ORIGINAL TRR:

A TRR PACKET, INCLUDING THE TRR AND COPIES OF THE BELOW LISTED ATTACHMENTS WILL BE FORWARDED TO THE INDEPENDENT POLICE REVIEW AUTHORITY.

ATTACHMENTS - PHOTOCOPIES OF:

☐ CASE REPORT

☐ ARREST REPORT

☐ SUPPLEMENTARY REPORT

☒ OFFICER BATTERY REPORT

☐ TO-FROM-SUBJECT REPORTS FROM DEPARTMENT WITNESS(ES)

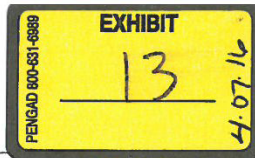
☐ I.O.D. REPORT

☐ CR INITIATION REPORT

80. TOTAL TRR & THIS EVENT No.

3

OFFICER'S BATTERY REPORT
CHICAGO POLICE DEPARTMENT



RD NO. HX475653

INSTRUCTIONS: This form is to be completed for all incidents when: (1) a sworn member is the victim of a murder, aggravated battery, battery, aggravated assault, or assault while performing a police function either on-duty or off-duty, (2) a detention aide is the victim of a murder, aggravated battery, battery, aggravated assault, or assault while in the performance of his or her duties.

"X APPLICABLE BOXES"

OFFICER INFORMATION		INCIDENT INFORMATION	
NAME (LAST - FIRST - M.I.) VAN DYKE, JASON D		<input type="checkbox"/> 1. INDOOR <input checked="" type="checkbox"/> 2. OUTDOOR ADDRESS OF OCCURRENCE 4112 S PULASKI RD	
STAR NO. 9465	POSITION POLICE OFFICER	CITY <input checked="" type="checkbox"/> CHICAGO	STATE (If outside Chicago)
DATE OF APPOINTMENT 25-JUN-2001	EMPLOYEE NO. [REDACTED]	LOCATION CODE 304-STREET	BEAT OF OCCURRENCE 0815
UNIT OF ASSIGNMENT 008	BEAT/CALL NO. 0845R	DATE OF OCCURRENCE 20-OCT-2014	TIME 21:57:00
SEX <input checked="" type="checkbox"/> 1. M <input type="checkbox"/> 2. F	RACE WHITE	DAY OF WEEK MONDAY	
HEIGHT 602	WEIGHT 180	NO. OF OFFICERS BATTERED <u>3</u>	
TYPE OF ASSIGNMENT WHEN BATTERY OCCURRED <input checked="" type="checkbox"/> 1. ON DUTY <input checked="" type="checkbox"/> A. UNIFORM, PATROL DUTY <input type="checkbox"/> B. UNIFORM, OTHER DUTY Describe _____ <input type="checkbox"/> C. CITIZEN'S DRESS <input type="checkbox"/> D. TACTICAL <input type="checkbox"/> E. B.I.S. UNIT <input type="checkbox"/> F. SPECIAL EMPLOYMENT <input type="checkbox"/> G. OTHER _____ <input type="checkbox"/> 2. OFF DUTY <input type="checkbox"/> 3. SPECIAL EMPLOYMENT <input type="checkbox"/> 4. SECONDARY / OTHER		WERE THERE ASSISTING UNITS ON SCENE? 1. <input checked="" type="checkbox"/> YES 2. <input type="checkbox"/> NO IF YES HOW MANY ASSISTING OFFICERS WERE PRESENT AT TIME BATTERY (EXCLUDING YOU OR YOUR PARTNERS)? <u>8</u>	
WORKING: <input type="checkbox"/> A. ALONE <input checked="" type="checkbox"/> B. WITH ONE PARTNER <input type="checkbox"/> C. WITH MULTIPLE PARTNERS How many? _____ PATROL TYPE: <input checked="" type="checkbox"/> A. SQUAD CAR <input type="checkbox"/> B. FOOT <input type="checkbox"/> C. BICYCLE <input type="checkbox"/> D. APV/MOTORCYCLE <input type="checkbox"/> E. SQUADROL <input type="checkbox"/> F. OTHER _____		MANNER OF ATTACK <input type="checkbox"/> 01. SHOT <input type="checkbox"/> 02. SHOT AT <input checked="" type="checkbox"/> 03. STABBED/CUT (INCLUDING ACTUAL ATTEMPT) <input type="checkbox"/> 04. STRUCK/BLUNT FORCE (INCLUDING ACTUAL ATTEMPT) <input type="checkbox"/> 05. OTHER (INCLUDING VERBAL THREATS)	
TYPE OF ACTIVITY <input type="checkbox"/> A. AMBUSH - NO WARNING <input type="checkbox"/> B. TRAFFIC STOP/PURSUIT <input type="checkbox"/> C. INVESTIGATING SUSPICIOUS PERSON <input type="checkbox"/> D. DISTURBANCE - DOMESTIC <input type="checkbox"/> E. DISTURBANCE - MENTAL PATIENT <input type="checkbox"/> F. DISTURBANCE - RIOT/MOB ACTION/CIVIL DISORDER <input type="checkbox"/> G. DISTURBANCE - OTHER <input type="checkbox"/> H. MAN WITH A GUN <input type="checkbox"/> I. PURSUING/ARRESTING OFFENDER (Specify) CHARGE _____ IUCR CODE _____ <input type="checkbox"/> J. PROCESSING/TRANSPORTING/GUARDING A PRISONER (Specify) ORIGINAL CHARGE _____ ORIGINAL IUCR CODE _____ <input checked="" type="checkbox"/> K. OTHER		TYPE OF WEAPON/THREAT (Check all that apply): <input type="checkbox"/> A. FIREARM CALIBER _____ <input type="checkbox"/> 1. REVOLVER <input type="checkbox"/> 2. SEMI-AUTOMATIC <input type="checkbox"/> 3. RIFLE <input type="checkbox"/> 4. SHOTGUN <input type="checkbox"/> B. VEHICLE <input type="checkbox"/> 1. OFFICER STRUCK WITH VEHICLE <input type="checkbox"/> 2. ATTEMPTED TO STRIKE OFFICER WITH VEHICLE <input checked="" type="checkbox"/> C. KNIFE/OTHER CUTTING INSTRUMENT <input type="checkbox"/> I. BLUNT INSTRUMENT <input type="checkbox"/> D. HANDS/FISTS <input type="checkbox"/> E. FEET <input type="checkbox"/> F. MOUTH (SPIT, BITE, ETC.) <input type="checkbox"/> G. VERBAL THREAT (ASSAULT) <input checked="" type="checkbox"/> H. OTHER (SPECIFY) /SWINGING KNIFE	
TYPE OF INJURY TO OFFICER <input type="checkbox"/> A. FATAL <input type="checkbox"/> B. NON-FATAL - MAJOR INJURY (Broken Bones/Serious Lacerations/Internal Injuries) <input type="checkbox"/> C. NON-FATAL - MINOR INJURY (Bruises/Swelling/Minor Abrasions) <input checked="" type="checkbox"/> D. NONE APPARENT/NONE		FIREARM USE INFORMATION (Check all that apply): <input type="checkbox"/> A. OFFICER AT GUNPOINT <input type="checkbox"/> B. OFFICER'S OWN WEAPON OBTAINED <input type="checkbox"/> C. ATTEMPTED TO OBTAIN OFFICER'S OWN WEAPON	
LIGHTING CONDITIONS AT INCIDENT <input type="checkbox"/> A. DAYLIGHT <input type="checkbox"/> D. DUSK <input type="checkbox"/> B. NIGHT <input checked="" type="checkbox"/> E. ARTIFICIAL LIGHT <input type="checkbox"/> 1. POOR <input checked="" type="checkbox"/> 2. GOOD		OFFENDER INFORMATION SEX <input checked="" type="checkbox"/> 1. M <input type="checkbox"/> 2. F RACE BLACK DOB [REDACTED] CB NO. _____ IR NO. _____	
WEATHER CONDITIONS <input checked="" type="checkbox"/> A. CLEAR <input type="checkbox"/> D. FOG / SMOKE / HAZE <input type="checkbox"/> G. OTHER <input type="checkbox"/> B. RAIN <input type="checkbox"/> E. SLEET / HAIL <input type="checkbox"/> C. SNOW <input type="checkbox"/> F. SEVERE CROSS		WAS THE OFFENDER'S ACTIVITY: DRUG RELATED? GANG RELATED? <input type="checkbox"/> 1. YES <input type="checkbox"/> 1. YES <input type="checkbox"/> 2. NO <input type="checkbox"/> 2. NO <input checked="" type="checkbox"/> 3. UNKNOWN <input checked="" type="checkbox"/> 3. UNKNOWN NO. OF OFFENDERS PRESENT? <u>1</u>	
APPROXIMATE OUTDOOR TEMPERATURE: <u>50 °F</u>		[REDACTED]	

Unusual Circumstances Regarding Officer Control Tactics and Safety: (If you need more space use additional sheets).

OFFENDER'S ACTIONS WERE UNPROVOKED.

REPORTING MEMBER - SIGNATURE
VAN DYKE, JASON D

STAR NO.
9465

WATCH COMMANDER /UNIT COMMANDING OFFICER- SIGNATURE STAR NO.
MC NAUGHTON, DAVID R 120

PEOPLE OF THE STATE OF ILLINOIS,

Plaintiffs,

vs.

JASON VAN DYKE,

Defendant.

It is the Order of this court that no attorney connected with this case as Prosecutor or Defense Counsel, nor any other attorney working in or with the offices of either of them, nor their agents, staff, or experts, nor any judicial officer or court employee, nor any law enforcement employee of any agency involved in this case, nor any persons subpoenaed or expected to testify in this matter, shall do any of the following:

- PENGAD 800-631-6989
 EXHIBIT
 4-07-16

4. Express outside of court an opinion or make any comment of public dissemination as to the weight, value, or effect of any evidence as tending to establish guilt or innocence;
5. Make any statement outside of court as to the content, nature, substance, or effect of any statements or testimony that is expected to be given in any proceeding in or relating to this matter;
6. Make any out-of-court statement as to the nature, source or effect of any purported evidence alleged to have been accumulated as a result of the investigation of this matter.
7. This Decorum Order also incorporates Article VIII. Illinois Rules of Professional Conduct, effective January 1, 2010.

This Order does not include any of the following:

1. Quotations from, or any reference without comment to, public records of the Court in the case.
2. The scheduling and result of any stage of the judicial proceedings held in open court in an open or public session.
3. Any witness may discuss any matter with any Prosecution or Defense Attorney in this action, or any agent thereof, and if represented may discuss any matter with his or her own attorney.

Anyone in violation of this court order may be subject to contempt of court.

ENTERED:

Vincent M. Gaughan
Judge Vincent M. Gaughan
Circuit Court of Cook County
Criminal Division
1553

DATE: _____

